AMENDING THE WILD AND SCENIC RIVERS ACT

HEARING

BEFORE THE

SUBCOMMITTEE ON
PUBLIC LANDS AND RESERVED WATER

OF THE

COMMITTEE ON
ENERGY AND NATURAL RESOURCES
UNITED STATES SENATE

NINETY-SEVENTH CONGRESS

SECOND SESSION

ON

S. 2811

A BILL TO EXTEND THE RESTRICTION OF WATER RESOURCE PROJECT CONSTRUCTION FOR ONE YEAR ON THE TUOLUMNE RIVER, CALIFORNIA

S. 3060

A BILL TO AMEND SECTION 7(b) OF THE WILD AND SCENIC RIVERS ACT

DECEMBER 14, 1982

Publication No. 97-126

Printed for the use of the
Committee on Energy and Natural Resources

U.S. GOVERNMENT PRINTING OFFICE
17-136 O WASHINGTON : 1983

S311-34

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AMENDING THE WILD AND SCENIC RIVERS ACT

TUESDAY, DECEMBER 14, 1982

U.S. SENATE,
SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER,
COMMITTEE ON ENERGY AND NATURAL RESOURCES,
Washington, D.C.

The subcommittee met, pursuant to notice, at 2 p.m., in room 3110, Dirksen Office Building, Hon. Malcolm Wallop, presiding.

Present: Senators Wallop, and Hatfield.

Also present: Tony Bevinetto, professional staff member; and Thomas B. Williams, professional staff member for the minority.

OPENING STATEMENT OF HON. MARK O. HATFIELD, A U.S. SENATOR FROM THE STATE OF OREGON

Senator HATFIELD [presiding]. Good afternoon. Today the Subcommittee on Public Lands and Reserved Water will receive testimony on S. 2811, a bill to extend the restriction of water resources project construction for 1 year on the Tuolumne River, Calif.; and S. 3060, a bill to amend section 7(b) of the Wild and Scenic Rivers Act.

Without objection, I will place copies of the bill in the hearing record.

[The texts of S. 2811 and S. 3060 follow:]

97TH CONGRESS
2D SESSION

S. 2811

To extend the restriction of water resource project construction for one year on the Tuolumne River, California.

IN THE SENATE OF THE UNITED STATES

AUGUST 5 (legislative day, JULY 12), 1982

Mr. HAYAKAWA introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

---

A BILL

To extend the restriction of water resource project construction for one year on the Tuolumne River, California.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (b) of section 7 of the Wild and Scenic Rivers Act (16 U.S.C. 1278) is amended by adding at the end thereof the following: "Notwithstanding any other provision of this section, the Federal Energy Regulatory Commission shall not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project works under the Federal Power Act, as amended on or directly affecting the river which is listed in section 5(a)(52) of this Act, and no department or agency of the United States shall assist by loan, grant, license, or otherwise in the construction of any water resources project that would have a direct and adverse effect on the values for which such river might be designated, as determined by the Secretary responsible for its study or approval until October 2, 1983.".

97TH CONGRESS
2D SESSION

S. 3060

To amend section 7(b) of the Wild and Scenic Rivers Act.

IN THE SENATE OF THE UNITED STATES

DECEMBER 1 (legislative day, NOVEMBER 30), 1982

Mr. HATFIELD (for himself, Mr. PACKWOOD, Mr. HART, Mr. KASTEN, Mr. HAYAKAWA, Mr. TSONGAS, Mr. LUGAR, Mr. CRANSTON, Mr. BUMPERS, Mr. HEINZ, Mr. PROXMIRE, and Mr. DURENBERGER) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

---

A BILL

To amend section 7(b) of the Wild and Scenic Rivers Act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 7(b) of the Wild and Scenic Rivers Act (16 U.S.C. 1278 (b) is amended by adding at the end thereof the following: "The additional period for congressional consideration provided in section 7(b)(ii) for the rivers named in paragraphs (9), (18), (27) (the section of the Youghiogheny River from Youghiogheny Dam downstream to the town of Connellsville, Pennsylvania only), (37), (42), (46), (48), (53), (54), and (58) of section 5(a) is extended commencing October 1, 1982, for an additional period not to exceed three years. The additional period for congressional consideration provided in section 7(b)(ii) for the river named in paragraph (52) of section 5(a) is extended commencing October 1, 1982, for an additional period not to exceed one year.".

Senator **Hatfield**. I ask that all witnesses limit their oral testimony to 5 minutes. Your complete written statement will be made a part of the record. The record will remain open for 10 days after this date.

In deference to those Members of the Senate who are in a voting pattern at this moment, I will proceed to call myself as the first witness.

It is a pleasure to appear before your subcommittee today to speak on behalf of my legislation, S. 3060. The bill includes two unique rivers in my State, the Owyhee, a remote and dramatic high desert river flowing out of Idaho and cutting a deep canyon through eastern Oregon, and the Illinois which tumbles through valley and canyon to feed the legendary Rogue River in southwestern Oregon. The legislation also includes nine other equally worthy rivers.

The purpose of this bill is not to add rivers into the Wild and Scenic Rivers System. The purpose is simply to see to it that each river receives the fair hearing it deserves, to see to it that Congress meets its responsibility to make a final determination on each river's future. S. 3060 would extend the protection period of 10 rivers for 3 years and of 1, the Tuolumne River, for 1 year only, to keep these rivers protected until Congress holds hearings.

These last 3 years have been especially busy for Congress. Changes have been considered and in some cases fallen into place in the Federal role in land conservation, and we have wrestled with the need to become more energy self-sufficient and to find environmentally sound energy alternatives. Water power has beckoned as an attractive alternative. But I personally do not want this period to be remembered as a time during which Congress turned its back on wild and scenic rivers. The language of the Wild and Scenic Rivers Act holds true today as it did 15 years ago when it was written; and I'd like to quote one comment from that law:

> * * * The established national policy of dams and other construction at appropriate sections of the rivers of the United States needs to be complimented by a policy that would preserve other selected rivers or sections thereof in their free-flowing condition to protect the water quality of such rivers and to fulfill other vital nation conservation purposes.

I might say, if you want to track the heritage of that Scenic Rivers Act, you can go back to 1922 when Secretary of Commerce Herbert Hoover, made his address to the National Water League and proposed we develop such protection for rivers at that time.

We need to continue our historic act of balancing the Nation's energy development demands with the critical need to preserve one of our finest resources for future generations. S. 3060 will simply show congressional resolve by giving all viewpoints a fair hearing, and to insure that each of these segments of America's river heritage will be put to its highest and best use. I thank the chairman for the opportunity to appear before the subcommittee today on this important matter.

We will now recess the committee until the call of the Chair.

[A brief recess was taken.]

Senator **Wallop** [presiding]. The hearing will reconvene with my expression of thanks to Senator Hatfield that he did come and give his opening statement and opened the meeting for me, and gave my opening statement as well.

I would like to have the statement of Senator Hart and a letter from Congressman Chappie inserted for the record at this time.

[The statement and letter follow:]

Testimony by Senator Gary Hart before
Senate Energy Committee Hearing on
Legislation to Amend the
National Wild and Scenic Rivers System Act
December 14, 1982, 2:00 p.m.

Mr. Chairman, I appreciate the opportunity to testify today in support of S. 3060, legislation to amend Section 7(b) of the Wild and Scenic Rivers Act (P.L. 90-542). I commend you for holding today's hearing and I'm pleased with Senator Hatfield's leadership in bringing this important matter before the Senate.

As a Coloradan, a Westerner and an American concerned about this nation's abundant natural resources, I take great interest in preserving both the great and the small rivers of this country which represent a national treasure of incalculable worth.

In recent years, more and more people both in Colorado and throughout the country have come to realize that a few, still unencumbered, rivers across the nation should be preserved for posterity or we will forever lose the beauty and value of their present free-flowing state. It was in this spirit that Congress created the National Wild and Scenic Rivers System in 1968.

Since its inception in the 90th Congress, 61 rivers have been added to the National Wild and Scenic Rivers System and many more have been designated for potential inclusion in the system under Title 16, Section 1276(a). This Section of Title

16 specifies proper procedures for conducting the study of designated study rivers and Section 1278 specifies procedures for protection of the study rivers during the designated study period. Unfortunately, neither Section guarantees Congress will give the study rivers full consideration before the protection period expires.

This is the situation with the eleven rivers in the legislation before the Committee today -- including the Encampment River in Northwestern Colorado -- and the unintended effects of this situation threaten each and every study river where the protection period has lapsed.

It would be tragic to jeopardize the natural, free-flowing condition of these and other recommended rivers before Congress has had an opportunity to consider recommended designation for them.

In considering this legislation, the Committee should recognize that extending Federal protection on these rivers simply preserves them in their present condition and removes the threat of water project and other development while Congress considers and determines future designation for the rivers in question.

Mr. Chairman, I do not wish to be redundant on this matter and repeat the comments the very able witnesses will make this afternoon. Rather, it is my intention to underscore the importance of expediting passage of this important legislation. I believe this a necessary first step toward consideration of preserving these unique, free-flowing natural resources that have substantially contributed to the beauty of Colorado and the nation.

Mr. Chairman, I thank you for the opportunity to comment on this legislation today and look forward to working with you in coming weeks.

###

GENE CHAPPIE
1st District, California

COMMITTEE ON AGRICULTURE

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December 3, 1982

Honorable Malcolm Wallop
452 Russell Senate Office Building
Washington D.C. 20510

Dear Senator Wallop:

I am writing in opposition to legislation which would provide for an extension of the moratorium on the Tuolumne River imposed under the provisions of the Wild and Scenic Rivers Act. The original moratorium was a result of President Carter's recommendation in 1979, that the Tuolumne be designated "wild and scenic."

I am very familiar with the Tuolumne River area and have an understanding of the problems that could possibly arise as a result of this action. At this point, the designation of "wild and scenic" has stirred-up quite a bit of controversy. There are several interest groups on each side of the issue. There are environmental groups who are in favor of the designation. At the same time however, there are groups who are looking ahead to the future energy needs of the State of California. As you may know, Northern California is one of those areas in the nation where it is anticipated that power supplies will be inadequate to meet projected load requirements. To cut off this river for development would be a mistake and unfair to the residents of the area.

It is my understanding that during the next few weeks legislation will be considered which would extend the moratoriums on all the river segments that President Carter recommended for study in 1979. I believe considerable opposition would develop to legislation which would include the Tuolumne River. There is a need for hearings to be held on this matter before any legislative action is taken. In light of the controversy surrounding the Tuolumne River, I believe it would be inappropriate to extend the moratorium on this particular river.

Your consideration in this matter would be greatly appreciated.

Sincerely,

Gene

GENE CHAPPIE
Member of Congress

GC:bam

Senator **Wallop**. With that, we will get on with the purpose of the hearing and hear from Senators Cranston and Hayakawa.

STATEMENT OF HON. ALAN CRANSTON, A U.S. SENATOR FROM THE STATE OF CALIFORNIA

Senator **Cranston**. Thank you very much, Mr. Chairman. I appreciate having this opportunity to testify in support of S. 2811, to extend the protection for the Tuolumne River in California for 1 year, and S. 3060, to provide continued protection for 11 wild and scenic study rivers in the United States, including the Tuolumne. As the chairman knows, I am a cosponsor of both bills.

By way of background, Mr. Chairman, in 1975 Congress enacted legislation I sponsored in the Senate directing the Departments of Interior and Agriculture to study a 92-mile stretch of the Tuolumne River for possible inclusion in the National Wild and Scenic Rivers System. After extensive study, the Departments found that 83 miles of the Tuolumne possessed outstanding natural, scenic, recreation, geologic, fish and wildlife, historic, and cultural values. The Departments of Interior and Agriculture recommended that these 83 miles be designated as a wild and scenic river and added to the federal system.

In 1979 President Carter concurred and forwarded the recommendation to Congress. The President's favorable recommendation triggered a 3-year period of protection during which time no Federal action could be taken to diminish the wild and scenic values of the Tuolumne River. This included a moratorium on licensing hydroelectric projects on the river. The protection legally expired in October. However, at the request of Senator Hayakawa and me, the Federal Energy Regulatory Commission has agreed to continue the moratorium on licensing hydroelectric projects on the Tuolumne until the end of this Congress to see what happens with the pending legislation.

Mr. Chairman, there is considerable support in California for wild river designation of the Tuolumne River. The State of California—the California Resources Agency, the departments of fish and game, water resources, and boating and waterways—favors addition to the Federal Wild and Scenic Rivers System. The cities of Berkeley and San Jose which operate family summer camps on tributaries of the Tuolumne support designation. San Francisco Planning and Urban Research—an association of downtown businesses—the California Native Plant Society, and the California Academy of Sciences are among others actively seeking permanent protection of the Tuolumne River.

At the same time, the city and county of San Francisco, Hetch Hetchy Water and Power Department, and the Turlock and Modesto Irrigation Districts are proposing jointly to construct a series of three dams and two powerhouses known as the Clavey-Wards Ferry project on the Tuolumne and its tributaries. These projects would produce hydroelectric power for which the Turlock and Modesto Irrigation Districts are the most likely recipients.

Unfortunately, during this 3-year period Congress has not held hearings to examine the merits of the wild river designation versus power development. And now if the period of protection is not extended, the opportunity to review the administration's recommendation for the Tuolumne River will be lost as FERC is ready to proceed with the preliminary permits.

Mr. Chairman, Congress should not allow the decision regarding the future of the Tuolumne River to be made by default. The river is far too important nationally to permit this to happen. The Tuolumne clearly qualifies for wild river designation. Its headwaters are in Yosemite National Park and some 54 of the 83 miles recommended for designation traverse the park. The river also is a prime fishery spot for rainbow and brown trout. And the State of California ranks the Tuolumne River as a class one boating river.

Mr. Chairman, the legislation before us today would provide a 1-year extension of the protection of the Tuolumne River in order to allow time for Congress to conduct hearings on the wild river proposal. Clearly there is not enough time remaining in this session to review the matter fully. I recognize that the permit applications have been pending with FERC for several years and that Turlock and Modesto Irrigation Districts want a decision now. I would like to point out, however, that the other permit application, San Francisco, does not share this view. At the present time the mayor of San Francisco is firmly in support of wild river designation.

The San Francisco County Board of Supervisors is reconsidering its decision to participate in the Clavey-Wards Ferry project and by a vote of 10 to 1 has urged extension of wild and scenic protection for 3 years. The San Francisco Public Utility Commission is in the process of contracting for a $1.2 million environmental impact statement on all the proposed major developments on the Tuolumne, including a study of nonriver alternatives for power. This study of environmental impacts and economic feasibility will help determine the position of San Francisco.

Reason would dictate that we wait at least until the PUC study is complete before making a decision on the Tuolumne. But in recognition of Turlock and Modesto Irrigation Districts' concern about continued delays and a desire for early action, we have provided only a 1-year extension in the legislation—as compared with the 3-year protection provided for the 10 other wild and scenic study rivers addressed in S. 3060.

In closing, I want to make it clear to the committee that what is being proposed is not a substantive change in the National Wild and Scenic Rivers Act. Not 1 mile of river is being added to the system. What we are seeking here is a legislative determination that the period of protection for the Tuolumne be extended in the interests of fairness and rational process.

I strongly believe that Congress should be given the opportunity to complete the process it initiated when it directed the wild and scenic river study of the Tuolumne and conduct a thorough review of the various alternatives for the river.

If we leave the fate of the Tuolumne to the Federal Energy Regulatory Commission, we could well have a confrontation situation which Congress ultimately would be asked to resolve. For these reasons, I urge the committee to help expedite passage of S. 2811 before the 97th Congress adjourns.

Senator WALLOP. Thank you, Senator Cranston.

Senator Hayakawa, please proceed.

STATEMENT OF HON. S. I. HAYAKAWA, A U.S. SENATOR FROM THE STATE OF CALIFORNIA

Senator HAYAKAWA. Thank you, Mr. Chairman.

Mr. Chairman, my point of view is very much like that presented by Senator Cranston. As the 97th Congress draws to a close, our time, or lack of it, becomes increasingly pressing. I realize that all of us are under pressure to complete this session, and sincerely appreciate your taking time out to hold a hearing on S. 2811, a bill to extend the restriction of water resource project construction for 1 year on the Tuolumne River in California.

Mr. Chairman, I would not have pressed for a hearing if I did not think the Tuolumne River was worth our attention. In 1976, at the request of Congress, the Departments of Interior and Agriculture began studying alternative uses for the river. Following their recommendation in 1979 to designate the river as "wild and scenic," Congress gave itself 3 years to address the study. This 3-year period expired on October 2, 1982. My bill, S. 2811, which is also supported by my colleague Senator Cranston, would extend the study time for 1 year. During this year, your committee would have the opportunity to hold hearings and review the Departments' recommendation.

Mr. Chairman, the Tuolumne is special for a number of reasons. About 54 of the 83 miles recommended for inclusion in the National Wild and Scenic Rivers System flow through Yosemite National Park. Named an "extraordinary fishery waterway" in the California Protected Waterways Plan of 1970, the Tuolumne is a prime fishing spot for rainbow and brown trout. The river meanders through the largest subalpine meadow in the Sierras where the southern bald eagle, the prairie falcon, and the spotted owl live.

Five plant species—the Whitey Sedge, fawn lily, Mariposa parsnip, southern mule ear clarkia, and the Shaggy Lipine—live in the river canyon. All of them were recommended for threatened status by the Smithsonian Institution. One plant, the Red Hills soap root, was proposed to be listed as endangered by the U.S. Fish and Wildlife Service.

While almost everyone agrees that the river flows through a beautiful area, not everyone wants to see the waterway protected. Let me assure you, Mr. Chairman, I am not advocating or opposing wild and scenic designation for the Tuolumne. My bill simply illustrates the need for Congress to hold hearings on this issue. If nothing is done and the moratorium is not extended, the Federal Energy Regulatory Commission will have the authority to issue preliminary licenses for hydro projects on the river. Considering the Federal Energy Regulatory Commission's workload increased from 80 applications for preliminary licenses in fiscal year 1980 to 1,230 in fiscal year 1981, I am concerned that the particular issues involved with the Tuolumne River may not be properly addressed if Congress does not have the opportunity to examine the Tuolumne's status.

Another agency, the San Francisco Public Utilities Commission, also intends to examine the various development projects proposed for the Tuolumne. A 2-year study is expected to commence in January. Although river development proponents may understandably object to another Tuolumne study, in some respects they should be grateful for the studies which have prevented Congress from acting on the Departments of Interior and Agriculture recommendation to declare the river "wild and scenic." Despite San Francisco's own water agency—Hetch Hetchy Water & Power, and which has proposed water projects on the Tuolumne—the city's board of supervisors recognizes the unique values of the river and supports S. 2811.

Mr. Chairman, there is widespread support for this bill. In fact, within the past week, three major newspapers in my State—the San Francisco Chronicle, the San Francisco Examiner, and the Los Angeles Times—ran supporting editorials which I would like to submit for the record. In 1978, the Tuolumne County residents voted two to one for an advisory measure opposing a proposed dam project on the river. The cities of San Jose and Berkeley—both of which operate family camps on the South and Middle Forks of the Tuolumne—also endorse passage of S. 2811. And the environmental groups with whom I rarely share a common stance also support my efforts.

As one who traditionally takes a prodevelopment posture, I surprised some people when I introduced this bill. But, Mr. Chairman, I would like to stress that this bill is not antidevelopment. I merely would like the Congress to take a look at this issue. During the 3-year period they never did get around to taking a look at it. By placing a high priority on budget issues in the 97th Congress, we have had little time to address issues such as this one.

While I realize that the moratorium extension will delay Modesto and Turlock Irrigation Districts' proposed water projects, I maintain that the decision to issue preliminary licenses should not be made exclusively by the Federal Energy Regulatory Commission. The Tuolumne River is a national treasure. Just as I would want Congress to hold any hearings on any plans to tear down Mount Vernon so that water projects could be built on the Potomac, I also think the Tuolumne is a monument worth Congress attention.

Although I will not be here next year, I look forward to the 98th Congress addressing not only the Tuolumne River's status, but also the rivers included in Senator Hatfield's bill, S. 3060, which I have cosponsored.

Again, I thank you for your consideration of this legislation and encourage your support.

Here are the three editorials that I referred to that I would like to include in the record.

[The editorials and a subsequent letter from Senator Hayakawa follow:]

[From the San Francisco Examiner, Dec. 10, 1982]

DON'T MESS UP THE TUOLUMNE

The Tuolumne River, rising in Yosemite National Park and tumbling through scenic canyons to its confluence with the San Joaquin River near Modesto, is one of California's working rivers. It provides electricity and water to San Francisco and a dozen other Bay Area communities, and irrigates hundreds of thousands of acres of Central Valley farmland.

To that must be added the fact that its adjacent semi-wilderness area is crowded with wildlife—200 species of birds alone. Some of the best trout fishing in the world is found there.

Is further development of this already useful river resource justified? Certainly not, without study of *possible* alternatives. But that cannot come about without favorable action in the current lame-duck session of Congress. We fervently hope for such action, the first step of which is scheduled for Tuesday.

A word of background:

The Carter administration's two-year interim protection plan for the river expired in October. Meanwhile, development proposals (a dam and power station) have been advanced, principally by the Modesto and Turlock irrigation districts, that would generate electricity and provide a limited new supply of irrigation water. They also would obliterate 23 miles of the scenic river.

We oppose that.

On Tuesday the public lands subcommittee of the Senate Energy and Natural Resources Committee will hold hearings on a bill by Sen S.I. Hayakawa to renew the interim protection of the Tuolumne. Sen. Alan Cranston supports the bill. All logic argues for it. The Federal Energy Regulatory Commission, paying due attention to the large issues involved, has agreed not to start processing applications for development until Congress has acted.

Time desperately is needed to complete studies of the river and possible alternates to the destructive proposals now in motion. We urge the subcommittee to approve the Hayakawa measure. There is precious little time left.

[From the Los Angeles Times, Dec. 14, 1982]

Nearly four years ago, the Interior Department proposed putting some 30 miles of California's Tuolumne river in the national Wild and Scenic Rivers system. The river, which charges through sheer granite canyons, meadowlands and spectacular rapids between Yosemite valley and the Sierra Nevada foothills, is a haven for deer hunters, trout fishermen and Bay Area campers. Its whitewater rapids are as challenging to rafters as any in the nation. Even the Office of Management and Budget concluded that sparing the Tuolumne from further development would be a bargain.

As often happens, Congress found other things to do at the time that seemed more pressing than protecting the Tuolumne. Since then, the city of San Francisco and two irrigation districts have proposed a series of new dams, tunnels and hydroelectric plants that would provide cheap power for farmers in the northern San Joaquin Valley. The projects also would reduce the flow in much of the river to a trickle and leave the rest a mudflat.

A temporary moratorium on development of the Tuolumne expired in October. In Washington today, a Senate subcommittee meets to consider a bill that would protect the river for another year to give Congress time to hold full hearings and decide whether the protection should be permanent.

We think a strong case has been made for permanent protection of one of the few relatively unspoiled rivers left in California. We certainly think that another year's protection is little enough to ask.

The bill to extend the moratorium on development is co-sponsored by both California Senators, Democrat Alan Cranston and Republican S.I. Hayakawa. The city of San Francisco, which shares water rights on the Tuolumne and would share in the benefits of the development, supports the extension, as do several Bay Area cities that have had summer camps along the river for a half-century or more.

What gives today's hearing an added sense of urgency is the Federal Energy Regulatory Commission, which is holding the applications for developing the river. The commission has agreed not to act until the end of this year. But the permit process is likely to start unless Congress extends protection for the river. Once the process starts, it will be hard to stop.

California has nearly exhausted its supply of wild rivers to meet the water needs of its farms and cities. To kill off one more river, not to expand water supplies but to generate cheap power for areas that may or may not need it, would be a tragedy—one that Congress can and must prevent.

[From the San Francisco Chronicle, Dec. 12, 1982]

A RIVER'S FUTURE

For many years now, the clear and tumbling Tuolumne River and its tributaries in the Sierra have been providing much of the electrical power and water consumed in San Francisco and some of the Peninsula. This river is also a gem of the wilderness. Rafting enthusiasts consider it one of the best whitewater runs in the U.S. It supports a fine trout fishery. Its wild yet peaceful setting provides a spirit-lifting antidote to the pressures of urban life.

But camping, fishing and rafting can run counter to the requirements of harnessing water for power, and the Tuolumne River has spawned a confrontation between would-be power producers and the conservationist/recreationist sector of our society.

"Taken at its face value, the two competing proposals for use of the Tuolumne River comprise an irreconcilable conflict," said the San Francisco Planning and Urban Research Association in a 1980 report. "California needs additional electricity. Use of hydroelectric facilities to meet this need is the cheapest and least polluting method for providing such electricity * * *

"Yet, one by one, California's rivers are being destroyed by dams and diversions. Virtually all rivers in the state have some structure on them. Each river is under the jurisdiction of some entity with authority to build additional dams. That entity argues on behalf saving wild rivers in general, but submits that if it could only build its dam, it would meet a pressing need and save a lot of money in the process."

The entities that bear on our particular discussion are basically the Modesto and Turlock Irrigation Districts, which have applications for development of the Tuolumne now on file before the Federal Energy Regulatory Commission. And there is some immediacy in this state of affairs because the interim Wild and Scenic River protection once accorded the Tuolumne by the Interior and Agriculture departments recently expired.

So the issue has not been resolved as originally envisioned. There has been an absence of documentation and debate on the validity of the various proposals. It seems to us that prudence dictates the protection be extended until the divisions of opinion can be properly aired. Both California senators, Republican S.I. Hayakawa and Democrat Alan Cranston, are of a similar mind. We would urge passage of the proposal to extend the moratorium for a year, S. 2811, at this lame-duck session of Congress.

The Tuolumne River Preservation Trust, a coalition of fishermen, scientists, businessmen and environmentalists who favor placing some of the Tuolumne in the Wild and Scenic River System, say that ending the temporary protection will allow the energy commission to grant preliminary permits for which applications have already been filed. Resulting capital investments, the trust contends, will force the irrigation districts to oppose permanent protection regardless of the merits.

There are a number of proposals for the Tuolumne. There is, for instance, the Clavey-Wards project involving some small dams and reservoirs approximately 10 miles southwest of Hetch Hetchy. It is in a fairly remote part of the river; would produce revenue for San Francisco, and provide the electrical needs for many thousands of households.

Other ideas have been submitted to the San Francisco Public Utilities Commission: For raising O'Shaughnessy Dam in Yosemite National Park; building a long tunnel to divert much of the water in the Tuolumne outside the park; damming the South Fork and moving the water to the Middle Fork, and flooding the mountain camps of the cities of Berkeley and San Jose in what is known as the "Hardin Flat" power project.

At this stage, we are not going to render judgment on the proposals. Some, like Clavey-Wards, have elements that deserve consideration. But the point is that the San Francisco PUC is presently conducting a thorough study to assess the relative benefits and costs of additional river development.

Until this environmental study is completed, the river's protection should continue. If that is done, then the decision on what sort of development should be instituted—where and for whom—may be arrived at in reasonable fashion with the benefit of appropriate information.

U.S. Senate,
Washington, D.C., December 23, 1982.

Mr. C. M. Butler,
Chairman, Federal Energy Regulatory Commission,
Washington, D.C.

Dear Mr. Butler: For the record, we thought you would like to know what transpired with the Tuolumne River issue diring the final months of the 97th Congress. As you may recall, this California river was the subject of S. 2811, and among the rivers included in S. 3060. Both bills would have extended the restriction of water resource project construction for one year on the Tuolumne. In light of the pending legislation, the Federal Energy Regulatory Commission agreed not to issue preliminary licenses for hydro projects on the river until the 97th Congress adjourned.

On December 14, 1982, the Senate Subcommittee on Public Lands and Reserved Water of the Energy and Natural Resources Committee held a hearing on both bills. Among those testifying in support of the legislation were Senators Hatfield, Hayakawa and Cranston; Congressman-elect Richard Lehman, and Gary Cargill of the U.S. Forest Service.

A serious attempt was made to pass S. 3060 during the final days of the 97th Congress. However, all efforts failed on December 21, 1982 when the U.S. House of Representatives adjourned sine die.

We understand that the effort may be made to address the Tuolumne River issue in the 98th Congress. We urge you to keep this background in mind when considering the status of the Tuolumne River. As you may remember, the Tuolumne and other rivers in S. 3060 have been recommended by the Departments of the Interior and Agriculture for wild and scenic river protection.

Thank you for your attention to this matter.

Sincerely,

S. I. Hayakawa.

Senator **Wallop**. I appreciate your coming here this afternoon. You are aware, I'm sure, that it is not without some controversy, the Tuolumne River part of it. That, of course, is the ultimate purpose of our hearing today, to find out the nature of that controversy.

You will be followed by the Congressman-elect Richard Lehman. Welcome to the committee.

STATEMENT OF HON. RICHARD LEHMAN, A U.S. CONGRESSMAN-ELECT FROM THE STATE OF CALIFORNIA

Mr. **Lehman**. Thank you, Mr. Chairman. My name is Richard Lehman, and I am the newly elected Representative of the 18th Congressional District in California, which includes the property in question on the main fork of the Tuolumne River.

For 6 years I have served as a State assemblyman and as a member of the Water, Parks, and Wildlife Committee. During that period, I have developed a reputation for supporting and advocating water development and hydroelectric projects, often to the consternation of many who support this moratorium.

Today, however, I wish to join with Senators Hayakawa and Cranston in asking that the moratorium for construction on the main fork be extended for at least 1 year so that the remaining important, complicated, and sensitive issues may be resolved.

Not to renew the moratorium would be a serious mistake because: First, it prematurely removes discussion of the issues involved from the congressional arena and shifts them to FERC, whose statutory responsibilities are quite different. I believe Congress has an obligation to make a "good faith effort" to resolve the controversies in the fairest possible manner. It may be that, in the end, the matter is referred to FERC as it might be today, but at least the alternatives will have been adequately explored and the Congress will have discharged its duties in a diligent and responsible manner.

Second, failure to reinstate the moratorium would severely jeopardize water and hydroelectric projects proposed by Tuolumne County agencies on several tributaries to the main fork. It is my hope that these projects can be favorably expedited in the context of a settlement on the main fork. By resolving the main fork controversy now in favor of development, the principal factors motivating participants other than the Tuolumne County water agencies will have been removed, and the county of origin, I fear, will once again be left without either water or power of its own.

Third, failure to reinstate the moratorium would ignore the definitive study that has been initiated by the San Francisco Public Utilities Commission to assess the benefits, costs, and alternatives. It should be noted that the San Francisco Board of Supervisors, the San Francisco Planning and Urban Research Association, the San Francisco Chronicle and Examiner have all come out in favor of the moratorium despite the fact that the stimulus for development is predicated on the assumption that the city would benefit. Why not wait and see what the San Francisco Public Utilities Commission says in its report before we commit ourselves to a course from which we cannot retreat?

Fourth, failure to reinstate the moratorium would deny adequate evaluation of the merits of wild and scenic status, which has already been advocated by the U.S. Department of the Interior, the Forest Service, and the State of California.

I have never been in a raft in my life, nor do I have any burning desire to do so. I have strongly advocated filling New Melones Dam, enlarging Shasta Dam and keeping our options open on the Eel. In this instance I do feel, however, that we must carefully evaluate whether or not a fourth dam on the main fork enhances or detracts from multiple use of the river's resources, whether or not the damage can or should be mitigated or, ultimately, whether or not it will do more harm to dam the river than to leave it in its present state.

I am not prepared to give the final answers yet, and neither in my view is this Congress. That is why we need the moratorium.

Mr. Chairman, it is important to me and the people I represent that what will be an historic decision on the fate of the Tuolumne be made in a reasonable and calm way. As the elected Representative of the area, I will try to forge a consensus during the next year as to the fate of the entire watershed, taking into account the legitimate water rights of the entities outside the county of origin, recognizing the need for more water and power development within Tuolumne County, consistent with the multiple-use tenants of public land, which I personally advocate. Thank you very much.

Senator WALLOP. Thank you, Congressman. Let me just ask you, should we fail to extend this for 1 year, which given the circumstances that Congress now faces is at least a likelihood, why would this commit anybody to a course from which we could not retreat? You've mentioned the study that San Francisco has commissioned. Surely the State of California has a variety of laws which would come into play, and there would be an environmental impact statement and a variety of other things that would take place over the course of that year.

Mr. LEHMAN. That's correct, but I think FERC's responsibilities here are more in an area of deciding what the nature of the development will be.

I think in the history of the agency they very seldom have not gone ahead with one, and I think the issue of whether or not it deserves wild and scenic status will no longer be an issue at that point.

Senator **Wallop**. I think the effect of the bill has some significance on there. Doesn't the State of California in any way enter into that with regards to the water and the law that surrounds the application of water and distribution of the water to be stored, resources that are generally water related, whether irrigation or power?

Mr. **Lehman**. The State of California has certain signoffs that I imagine they could exercise. I think it's very unlikely that the new administration there will be exercising them.

Senator **Wallop**. Has the old administration, have they made any expression on either?

Mr. **Lehman**. They are in support of the wild and scenic status as was the Department of the Interior and the Forest Service.

Senator **Wallop**. Have they made any expression——

Mr. **Lehman**. I think there is someone here to testify for them.

Senator **Wallop**. I appreciate that. I'm trying to put some perspective on this.

Mr. **Lehman**. In Tuolumne County we view this as the crucial decision because it would be a huge step backward not to gain a moratorium. On the other hand, merely gaining a moratorium doesn't guarantee anything down the line. It just allows some time for these things to settle and be resolved, and that is my hope in the next Congress.

Senator **Wallop**. I appreciate your being here.

The next speaker is Mr. Gary Cargill, Deputy Chief of the National Forest System; and Mr. David Wright, Chief, Office of Park Planning and Environmental Quality, National Park Service.

STATEMENT OF GARY E. CARGILL, ASSOCIATE DEPUTY CHIEF, NATIONAL FOREST SYSTEM, DEPARTMENT OF AGRICULTURE

Mr. **Cargill**. We appreciate the opportunity to appear before the committee to comment on S. 3060 and S. 2811.

We have submitted prepared testimony. In the interest of time I will summarize.

S. 3060 would amend section 7(b) of the Wild and Scenic Rivers Act by authorizing 3 additional years for Congress to consider the recommended study reports on the 10 rivers. Both S. 3060 and S. 2811 would provide 1 additional year to consider the Tuolumne River in California. Currently 50 rivers have been designated as components of the wild and scenic river system by acts of Congress. A total of 88 rivers have been designated as study rivers under section 5(a) of the act because of their potential for inclusion in the national system.

The Wild and Scenic Rivers Act affords protection to be designated to study rivers in three ways. Section 7 prevents construction of water resources projects such as dams, impoundments, or water diversions. Section 8 precludes disposition under the public land laws. Section 9 places limitations on the patenting of mining claims and locations and entry under the mining and mineral leasing laws.

For study rivers, the protections of sections 7, 8, and 9 are effective during the statutory study period, and for 3 years during which a river's ultimate designation status is pending before the

Congress. At the end of the 3-year congressional review period, the protections of sections 7, 8, and 9 expire. This expiration is expressly provided for in each of these sections.

Section 12(a) deals with the general authority of the land managers to protect designated rivers and study rivers. The Wild and Scenic Rivers Act does not explicitly state whether or not the study status terminates after the 3-year congressional review period has passed. To avoid possible ambiguity concerning study status, the administration's transmittal of September 13, 1982, which included a number of study reports with recommendations and perfecting amendments to the Wild and Scenic Rivers Act, proposed language that would explicitly provide that a river's status as a study river is terminated at the end of the 3-year congressional review period. We recommend adoption of that provision as a part of this legislation.

Three of the study reports for the rivers covered by S. 3060 and S. 2811 were prepared by the Department of Agriculture. They include the Tuolumne River in California, the Illinois River in Oregon, and the Encampment River in Colorado. The study reports for the Tuolumne and the Encampment Rivers were transmitted to the Congress on October 2, 1979. The Illinois study report was sent to the Congress on October 13, 1978. Since no action has been taken by the Congress on these rivers, protection under sections 7, 8, and 9 terminated 3 years from the date of transmission to the Congress.

S. 3060 would provide for the extension of the statutory protections to allow Congress 3 additional years to consider the rivers named. S. 2811 would simply provide a 1-year extension for the Tuolumne River.

A provision in the proposed legislation to return a study river to ordinary status following elapse of a 3-year period in which Congress has not acted to designate the study river as a part of the Wild and Scenic Rivers System is a salutary one. It provides desirable certainty for those concerned with the ultimate studies of a river. If within 3 years after the executive agency has reported the results of its study Congress has not acted to designate the river as a wild and scenic river, the river and abutting lands can be available for other purposes. Three years is ample time for Congress to make a determination about the wild and scenic status of a river, particularly if there are possible alternative valuable uses for the water and its abutting and nearby lands.

Recommendations resulting from the studies of the rivers affected by S. 3060 and S. 2811 already have been before Congress for 3 years. The administration, however, would not oppose the legislation if it were to provide no more than a 1-year extension of the protections of sections 7, 8, and 9 of the basic act to the rivers in question.

Mr. Chairman, this concludes my remarks. I would be pleased to answer questions you may have or furnish additional details.

[The prepared statement of Mr. Cargill follows:]

STATEMENT OF
GARY E. CARGILL, ASSOCIATE DEPUTY CHIEF
FOREST SERVICE, U.S. DEPARTMENT OF AGRICULTURE

Before the
Subcommittee on Public Lands and Reserved Water
of the
Committee on Energy and Natural Resources
United States Senate

Concerning S. 3060 and S. 2811

December 14, 1982

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

We appreciate the opportunity to appear before the committee to comment on S. 3060 and S. 2811.

S. 3060 would amend section 7(b) of the Wild and Scenic Rivers Act by authorizing 3 additional years for Congress to consider the recommended study reports on the following 10 study rivers: Illinois in Oregon; Pine Creek in Pennsylvania; Youghiogheny in Pennsylvania; Encampment in Colorado; Kettle in Minnesota; South Fork Owyhee in Oregon; Shepaug in Connecticut; Upper Mississippi in Minnesota; Wisconsin in Wisconsin; and Housatonic in Connecticut. Both S. 3060 and S. 2811 would provide 1 additional year to consider the Tuolumne River in California.

The Wild and Scenic Rivers Act of October 2, 1968, (16 U.S.C. 1271-1287) established a National System of free-flowing rivers which are designated by an act of Congress, or are designated by the Secretary of the Interior as State-administered wild and scenic rivers. Currently 50 rivers have been designated as components of the Wild and Scenic River System by acts of Congress. A total of 88 rivers has been designated as study rivers under section 5(a) of the act because of their potential for inclusion in the

National System. Some of the study rivers have since been designated as components of the system, others have studies under way, or have studies that have been completed and are awaiting action by the Congress.

The Wild and Scenic Rivers Act affords protection to designated and study rivers in three ways. Section 7 prevents the construction of water resources projects such as dams, impoundments, or water diversions. Section 8 precludes disposition under the public land laws. Section 9 places limitations on the patenting of mining claims and location and entry under the mining and mineral leasing laws.

For study rivers, the protections of sections 7, 8, and 9 are effective during the statutory study period, and for 3 years during which a river's ultimate designation status is pending before the Congress. At the end of the 3-year congressional review period, the protections of sections 7, 8, and 9 expire. This expiration is expressly provided for in each of these sections.

Section 12(a) deals with the general authority of the land managers to protect designated rivers and study rivers. The Wild and Scenic Rivers Act does not explicitly state whether or not the study status terminates after the 3-year congressional review period has passed. To avoid possible ambiquity concerning study status, the Administration's transmittal of September 13, 1982, which included a number of study reports with recommendations and perfecting amendments to the Wild and Scenic Rivers Act, proposed language that would explicitly provide that a river's status as a study river is terminated at the end of the 3-year congressional review period. We recommend adoption of that provision as part of this legislation.

Three of the study reports for the rivers covered by S. 3060 and S. 2811 were prepared by the Department of Agriculture. They include the Tuolumne River in California, the Illinois River in Oregon, and the Encampment River in Colorado. The study reports for the Tuolumne and the Encampment Rivers were transmitted to the Congress on October 2, 1979. The Illinois study report was sent to the Congress on October 13, 1978. Since no action has been taken by the Congress on these rivers, protection under sections 7, 8, and 9 terminated 3 years from the date of transmission to the Congress.

S. 3060 would provide for the extension of the statutory protections to allow Congress 3 additional years (1 year for the Tuolumne River) to consider the rivers named. S. 2811 would simply provide a 1-year extension for the Tuolomne River.

A provision in the proposed legislation to return a study river to ordinary status following elapse of a 3-year period in which Congress has not acted to designate the study river as part of the Wild and Scenic River System is a salutary one. It provides desirable certainty for those concerned with the ultimate studies of a river. If within 3 years after the executive agency has reported the results of its study Congress has not acted to designate the river as a Wild and Scenic River, the river and abutting lands can be available for other purposes. Three years is ample time for Congress to make a determination about the wild and scenic status of a river, particularly if there are possible alternative valuable uses for the water and its abutting and nearby lands.

Recommendations resulting from the studies of the rivers affected by S. 3060 and S. 2811 already have been before Congress for 3 years. The Administration, however, would not oppose the legislation if it were to provide no more than a 1-year extension of the protections of sections 7, 8 and 9 of the basic act to the rivers in question.

Mr. Chairman, this concludes my remarks. I would be pleased to answer questions you may have or furnish additional details.

Senator WALLOP. Thank you very much.

What I think I will try to do is get your statement and then I'll run and vote.

STATEMENT OF DAVID G. WRIGHT, CHIEF, OFFICE OF PARK PLANNING AND ENVIRONMENTAL QUALITY, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR; ACCOMPANIED BY FRANK EDWARDS, ASSISTANT DIRECTOR FOR LAND RESOURCES, BUREAU OF LAND MANAGEMENT

Mr. WRIGHT. Mr. Chairman, my name is David Wright. I am the Chief of Park Planning and Environmental Quality. Accompanying us today is Mr. Frank Edwards who is the Assistant Director for Land Resources in the Bureau of Land Management. I too will summarize my statement.

We appreciate the opportunity to provide this subcommittee with our views on this legislation.

S. 2811 and S. 3060 would amend the Wild and Scenic Rivers Act to extend for 1 year, to October 2, 1983, the protective provisions applicable to the Tuolumne River, Calif. S. 3060 would also extend for 3 years the protection afforded 10 other study rivers, and these are listed in my testimony.

Under section 7(b) of the Wild and Scenic Rivers Act, rivers designated for study are protected from construction of water projects during 3 fiscal years following their designation for study, and in the case of rivers recommended for addition to the system, an additional 3 years for congressional consideration of the study reports. Section 8 of the act extends protection from disposition under the Public Land Laws, and section 9 withdraws minerals within one-quarter mile of the bank of a study river, both for the same period as under section 7(b). Studies have been made and reports transmitted to the President and Congress on all 11 rivers. These, too, are covered in the testimony.

As is apparent, protection has already lapsed for these rivers. The responsibility for managing the river resources is that of the individual land managing agencies—in some cases the Forest Service of the Department of Agriculture and the Bureau of Land Management of this Department. Several of these rivers are managed by the States. The Forest Service has stated that it has no objection to the enactment of S. 2811 and S. 3060, provided that they are amended in certain respects. The Department of the Interior concurs in that position.

Thank you very much, Mr. Chairman. This concludes my prepared statement.

[The prepared statement of Mr. Wright follows:]

STATEMENT OF DAVID G. WRIGHT, CHIEF, OFFICE OF PARK PLANNING AND ENVIRONMENTAL QUALITY, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER, SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES, CONCERNING S. 2811 AND S. 3060, BILLS TO EXTEND THE PERIOD OF PROTECTION FOR CERTAIN RIVERS DESIGNATED FOR STUDY UNDER THE WILD AND SCENIC RIVERS ACT.

DECEMBER 14, 1982

MR. CHAIRMAN, I APPRECIATE THE OPPORTUNITY TO PROVIDE YOUR SUBCOMMITTEE WITH OUR VIEWS ON THIS LEGISLATION.

S. 2811 AND S. 3060 WOULD AMEND THE WILD AND SCENIC RIVERS ACT TO EXTEND FOR ONE YEAR --TO OCTOBER 2, 1983-- THE PROTECTIVE PROVISIONS APPLICABLE TO THE TUOLUMNE RIVER, CALIFORNIA. S. 3060 WOULD ALSO EXTEND FOR THREE YEARS THE PROTECTION AFFORDED TEN OTHER STUDY RIVERS. THESE ARE:

ILLINOIS, OREGON
PINE CREEK, PENNSYLVANIA
YOUGHIOGHENY, MARYLAND AND PENNSYLVANIA
ENCAMPMENT, COLORADO
KETTLE, MINNESOTA
OWYHEE, SOUTH FORK, OREGON
SHEPAUG, CONNECTICUT
UPPER MISSISSIPPI, MINNESOTA
WISCONSIN, WISCONSIN
HOUSATONIC, CONNECTICUT

UNDER SECTION 7(b) OF THE WILD AND SCENIC RIVERS ACT, RIVERS DESIGNATED FOR STUDY ARE PROTECTED FROM CONSTRUCTION OF WATER PROJECTS DURING THREE FISCAL YEARS FOLLOWING THEIR DESIGNATION FOR STUDY, AND IN THE CASE OF RIVERS RECOMMENDED FOR ADDITION TO THE SYSTEM, AN ADDITIONAL THREE YEARS FOR CONGRESSIONAL CONSIDERATION OF THE STUDY REPORTS. SECTION 8 OF THE ACT EXTENDS PROTECTION FROM DISPOSITION UNDER THE PUBLIC LAND LAWS, AND SECTION 9 WITHDRAWS MINERALS WITHIN ONE-QUARTER MILE OF THE BANK OF A STUDY RIVER, BOTH FOR THE SAME PERIOD AS UNDER SECTION 7(b).

STUDIES HAVE BEEN MADE AND REPORTS TRANSMITTED TO THE PRESIDENT AND CONGRESS ON ALL 11 RIVERS COVERED IN S. 2811 AND S. 3060, AS SET FORTH BELOW:

	DESIGNATED FOR STUDY	REPORTS TO CONGRESS
TUOLUMNE, CALIFORNIA	JAN. 3, 1975	OCT. 2, 1979
ILLINOIS, OREGON	OCT. 2, 1968	OCT. 13, 1978
PINE CREEK, PENNSYLVANIA	OCT. 2, 1968	OCT. 2, 1979
YOUGHIOGHENY, MARYLAND AND PENNSYLVANIA	OCT. 2, 1968	OCT. 2, 1979
ENCAMPMENT, COLORADO	JAN. 3, 1975	OCT. 2, 1979
KETTLE, MINNESOTA	JAN. 3, 1975	OCT. 2, 1979
OWYHEE, OREGON AND IDAHO	JAN. 3, 1975	OCT. 2, 1979
SHEPAUG, CONNECTICUT	JAN. 3, 1975	OCT. 2, 1979
UPPER MISSISSIPPI, MINNESOTA	JAN. 3, 1975	OCT. 2, 1979
WISCONSIN, WISCONSIN	JAN. 3, 1975	OCT. 2, 1979
HOUSATONIC, CONNECTICUT	OCT. 12, 1976	OCT 2, 1979

AS IS APPARENT, PROTECTION HAS ALREADY LAPSED FOR THESE RIVERS.

THE RESPONSIBILITY FOR MANAGING THE RIVER RESOURCES IS THAT OF THE INDIVIDUAL LAND MANAGING AGENCIES--IN SOME CASES THE FOREST SERVICE OF THE DEPARTMENT OF AGRICULTURE AND THE BUREAU OF LAND MANAGEMENT OF THIS DEPARTMENT. SEVERAL OF THESE RIVERS ARE MANAGED BY THE STATES. THE FOREST SERVICE HAS STATED THAT IT HAS NO OBJECTION TO THE ENACTMENT OF S. 2811 AND S. 3060, PROVIDED THEY ARE AMENDED IN CERTAIN RESPECTS. THE DEPARTMENT OF THE INTERIOR CONCURS IN THAT POSITION.

THANK YOU VERY MUCH, MR. CHAIRMAN; THIS CONCLUDES MY PREPARED STATEMENT.

Senator WALLOP. Thank you, Mr. Wright.

Mr. Wright, I am interested in your table. The Tuolumne River was designated for study January 3, 1975, and the report was given to Congress in 1979. That would be 3 years since the report came in here, and 7 since the designation. Even more so with the Illinois, Oregon. That was in October 1968 and the report was on October 1978. Some of the others were designated through 1968 to 1976. There isn't a single report in here which has been delivered to the Congress sooner than 3 years ago. It strikes me that if there is an emergency now, that somebody has been sound asleep. What did we do with the other 3 years?

If the Members of Congress from these various States have had from 3 to 4 years since the report and longer since the designation, in many cases as much as 14 years, are we doing anything but postponing it or prolonging it?

Mr. CARGILL. The intent of the legislation would be to provide additional time for Congress to consider and act on the study report recommendations. It would add protection in the case of the Illinois and Encampment and eight other rivers—3 years of additional time.

Senator WALLOP. I'll be darned if I can understand what the urgency is. The Tuolumne River bill was introduced August 5 of this year, and anybody who has viewed the legislative process since that time knows that there was an intervening matter called an election in there. Congress was not here in October, and here very little of either September or August. I guess I understand why the administration has no particular problem about extending these things, but it's unapparent to me why there is a sudden emergency when these reports have been out here for 3 years and we've yet to have any action taken on any of these things until August 5 and December 1 of this year.

Mr. CARGILL. I don't believe our testimony says anything about emergency. However, your concerns are the reasons why we recommended 1 year as opposed to 3 years.

Senator WALLOP. You are recommending that sections 7, 8, and 9 not apply after 3 years?

Mr. CARGILL. That is what the current law provides. We also recommend that the status of section 12(a), which is study status, be made explicit as to termination after 3 years.

Senator WALLOP. Thank you both very much. I appreciate your coming here this afternoon.

I will recess the hearing for about 15 minutes.

[Whereupon, a short recess was taken.]

Senator WALLOP. We will call the subcommittee back to order, and I give my thanks to the administration witnesses. I don't see any need for you to remain.

Next is the panel on S. 2811, Dr. Gerald H. Meral, deputy director, California Department of Water Resources; John Amodio, Tuolumne Preservation Trust; and Dick Linford, Tuolumne River Expeditions.

Mr. Meral, please proceed.

STATEMENT OF DR. GERALD H. MERAL, DEPUTY DIRECTOR, DEPARTMENT OF WATER RESOURCES, THE RESOURCES AGENCY, STATE OF CALIFORNIA

Dr. **Meral**. Thank you, Senator. I am Dr. Gerald Meral, deputy director of the California Department of Water Resources. I greatly appreciate this opportunity to appear before your subcommittee today.

I have a prepared statement which I have submitted to your staff. I won't read it. I would like to comment with respect to some of the questions you've raised in your discussion with Congressman Lehman.

You asked whether California had studied this issue and had a chance to participate in the process when the Tuolumne River was considered by the U.S. Forest Service and Park Service. We did do that. We participated fully in that study, and at the conclusion the various departments in the resources agencies, fish and game, waterways and department of water resources which I represent, all endorse preservation of the Tuolumne. I might add that our department is not only involved in water resources study and planning, but we operate the State water project. We currently have over $700 million worth of ecology facilities under construction. We do believe there is a balance required to have both preservation and development.

You also raised the question about the State's water rights authority and the authority of the State in other regards to the Federal Energy Regulatory Commission process. Unfortunately, from our point of view at least, the State of California can do nothing to overrule the Federal Energy Regulatory Commission licensing process for hydroelectric plants. There was a case called *First Iowa* which I'm sure your staff can acquaint you with which says that while the Commission must take into consideration water rights granted or not granted by the States, they can overrule or disregard any of the State authorities in this matter.

Senator **Wallop**. I am familiar with that case, and I don't think it quite says they can disregard it.

Dr. **Meral**. I hope you are right, but our legal staff has considered this, and it is currently their view that they cannot stop a license issued by FERC if FERC has determined to grant that license. We have protested a number of permits, and in some cases FERC has listened to the protest, but generally speaking we feel that we cannot do anything to actually stop the license process from proceeding. And this is why we support Senator Hayakawa and Senator Cranston's bill, because we do think that Congress is the place to have these considerations regarded.

So we would support the passage of S. 2811 and have Congress to consider for 1 more year the question of whether the Tuolumne should be preserved for some period of time.

[The prepared statement of Dr. Meral follows:]

TESTIMONY OF THE CALIFORNIA DEPARTMENT OF WATER RESOURCES IN SUPPORT OF S. 2811 (HAYAKAWA)*

By
Gerald H. Meral, Ph.D., Deputy Director
Department of Water Resources
The Resources Agency
State of California

Mr. Chairman, I am Dr. Gerald Meral, Deputy Director of the California Department of Water Resources. I greatly appreciate this opportunity to appear before your Subcommittee today.

The State of California strongly supports S. 2811 (Hayakawa) which would extend the moratorium on permits for additional development of the Tuolumne River until October 2, 1983. We support this brief continued moratorium because we believe that the Tuolumne deserves long-term, permanent protection and that Congress should have an adequate opportunity to give this issue the consideration it deserves. The California Department of Fish and Game, the California Department of Boating and Waterways, and the California Resources Agency share these views.

Enactment of Senator Hayakawa's bill is vitally important for three major reasons:

1. The Tuolumne River easily qualifies for designation as a wild and scenic river.
2. Congress needs adequate time to hold hearings and consider national designation for the River.

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* Presented to the Senate Public Lands and Reserved Water Subcommittee, Committee on Energy and Natural Resources, December 14, 1982, in Washington, DC.

3. Without a moratorium, chaos would result as proponents of hydroelectric plants designed years ago are forced to pursue those outdated plans in order to protect their development priorities.

In 1979, the Forest Service and Park Service completed their joint study which found that 83 miles of the Tuolumne River fully meet the criteria for designation as a component of the National Wild and Scenic Rivers System. People from every part of the United States come to this unique river. It is truly a national resource.

Before irreversible decisions on the Tuolumne's fate are made by the Federal Energy Regulatory Commission, it is vital that Congress have the chance to consider this issue fully. During the past few years, pressing problems of the economy have prevented Congress from seriously examining this question. A decision of this importance should not be made by default.

The moratorium will give all groups, including the developers, an opportunity to present their views to Congress. The moratorium would also give all groups adequate time to finish ongoing studies. These would set forth the impacts of alternative combinations of development, recreational, and fisheries uses. The result of taking a little extra time could be creation of a consensus on mutually acceptable balanced development.

Our Department has reviewed the arguments of the Turlock Irrigation District for not designating the Tuolumne as a national wild and scenic river and not extending the moratorium on further development. We found the District's arguments to be unpersuasive for the following reasons:

1. Argument: Supposed lack of unanimity within Carter Administration in its 1979 evaluation of the river's eligibility for national status.

   Response: The record is clear that both the U. S. Forest Service within the Department of Agriculture and the U. S. Park Service within the Department of Interior endorsed wild and scenic river designation for the Tuolumne. The Final Environmental Impact Statement and Study Report dated November 9, 1979 and issued by those two agencies clearly identified wild and scenic designation as the preferred alternative. This joint recommendation was then endorsed by the President.

2. Argument: The proposed project is needed to meet electric power needs.

   Response: California has identified less costly means to meet its future energy needs. In 1975, it was projected that electricity demand would grow 5-1/2 percent per year. The California Energy Resources and Development Commission estimated in its 1981 Biennial Report that the percentage rate of growth in California energy demands will not exceed

1.42 percent per year. Growth in demand has in fact been even lower than that modest increase. In the 1981 report, the Energy Commission identified several available options that are less costly and less environmentally damaging than large new hydroelectric projects. In the Commission's order of priority these are: additional conservation and power pooling, geothermal and renewable resources (biomass, wind, solar, small hydro and hydro at existing reservoirs), cogeneration, and interstate transfers and use of available natural gas in existing or repowered generating plants. If these priorities are followed, California will meet its needs until at least 1992 with a reserve margin of 30 percent, and fuel use in oil and gas fired power plants will be reduced to one-half of its 1979 level. All of this will be accomplished with no additional hydroelectric development of the free-flowing sections of the Tuolumne.

3. Argument: Supposedly there are difficulties in building other modes of generating electricity.

   Response: California actually has a good recent record of development for preferred energy sources. We have moved expeditiously with large cogeneration, hydroelectric, geothermal, coal, wind, and other projects. Combined with these have been the large savings from the State's highly successful conservation programs. We will fully meet future needs while at the same time reducing our dependence on foreign oil.

4. Argument: Using hydroelectric power is advantageous to Turlock Irrigation District.

Response: Due to the unique features of the Tuolumne River the traditional advantages of hydroelectric power are not found there. In a report issued by our Department, "Economic Analysis of Additional Hydropower Development on the Tuolumne River, November, 1982", we found that the costs of further development of the Tuolumne River for hydroelectric power would probably exceed the benefits. This is largely due to high construction and interest costs, and the risks of delay and low demand growth. Nor can further development of the Tuolumne be considered environmentally benign. There is already convincing evidence that the Clavey-Wards Ferry Project would destroy the stream fishery, block deer migration routes, impact rare and endangered species and eliminate river recreation and all the local jobs dependent upon it.

5. Argument: Designation could prohibit development of additional local domestic water supply.

Response: The Department of Water Resources has already identified affordable, appropriately sized water supply facilities to serve Southern Tuolumne County. In the Department's Bulletin 169, we demonstrated the feasibility of constructing two local reservoirs for domestic use, irrigation supply and recreation. These projects would not require the expensive pump lifts that a supply from the main stem Tuolumne reservoirs would need. It is ridiculous to attempt to justify a 700 million dollar project based upon an anticipated water supply of less than 12,000 acre-feet.

6. Argument: There is broad public opposition to designation or a moratorium.

Response: Again the facts show just the opposite -- the public clearly supports protection of the Tuolumne River. During the federal study approximately 1,600 members of the public took the time to express their views in writing. Of this number over 1,400 supported wild and scenic river designation while only 108 wrote to oppose it. In addition over 18,000 persons signed a petition supporting designation. Both of California's U. S. Senators and the Congressman-elect for the district support a moratorium. Attached to my testimony is a list of the other elected officials and groups supporting national designation.

The local referendum which was defeated included designation of other streams as well as the main Tuolumne River. Local projects have been proposed for these other reaches; therefore, it is understandable that the initiative was narrowly defeated. However, another local vote opposing development on the main Tuolumne shows that Tuolumne County residents do not want the River to be further exploited.

7. Argument: There is adequate protection without designation.

Response: This is pure nonsense. Opponents cite protection against further water development in national parks. They know that their own plans show all the dams and reservoirs on Forest

Service and Bureau of Land Management property, not in a National Park. All of the fish, wildlife, local economic, recreational and educational values of the Tuolumne River would be destroyed should Turlock's plans be realized. National designation is the only type of lasting protection that can assume continued use of these resources.

8. Argument: Designation will limit reservoir recreational opportunities.

Response: The two reservoirs the opponents would build on the Tuolumne would be virtually worthless for reservoir recreation. The steep canyon sides would not be suitable for picnicking or sunbathing. The sudden drop offs would be too hazardous for swimming. The narrow configurations would not be appealing for boating and the drastic drawdowns would create an ugly ring around the reservoir.

Southwestern Tuolumne County already has an excess of reservoir recreation. Don Pedro and New Melones reservoirs provide over 25,000 acres of flat water for recreation. Projected demand has not come close to the already existing capacity at these two sites. The immediate area has even more reservoir recreation available. Within 50 miles are located Camanche Reservoir, Pardee Reservoir, Jackson Creek Reservoir, New Hogan Lake, Salt Spring Valley Reservoir, Tullock Lake, Woodward Reservoir, Modesto Reservoir, Turlock Lake, Lake McClure, McSwain Reservoir, Kelsey Reservoir, Yosemite Lake, Cherry Lake, Lake Eleanor, Burns Reservoir, Bear Reservoir, and Mariposa Reservoir.

The surplus of flatwater recreation in the immediate area contrasts sharply with the shortage of river recreation. The recent loss of the Stanislaus River along with recent approvals of more projects on the South Fork American and North Fork Stanislaus rivers mean that the availability of river recreation for all members of society is being drastically reduced. At the same time the demand for river recreation continues to explode. The Tuolumne is a perfect example. Due to heavy demand, the U. S. Forest Service just doubled the number of commercial rafting passengers allowed. Limits have been established for noncommercial use as well. Similar limits are being placed on most of California's other rivers with whitewater values. The reality is an excess of reservoir recreation potential contrasted with a drastic shortage of river recreation possibilities.

9. Argument: The dam project is needed to stimulate employment and the economy.

Response: Turlock had to qualify that argument by admitting that the construction jobs would be short term and that only a few persons would be needed to operate the dams. They neglect to mention the local river recreation related jobs that would be lost when the river was flooded. These include jobs in guide services, local groceries, hotels, motels, shuttle services, etc. These hundreds of jobs would not be replaced by reservoir recreation jobs. Short term construction jobs, probably filled by people from outside the area, should not be traded for hundreds of permanent local jobs.

In closing, I would ask for your support for Senator Hayakawa's reasonable and prudent legislation. It would not entirely satisfy either side in this dispute, but it would give Congress time to carefully consider the ultimate fate of the Tuolumne River, and give the proponents and opponents of development a fair and adequate opportunity to present their respective cases, in an atmosphere untinged by pressure from the Federal Energy Regulatory Commission.

Thank you.

GOVERNMENT: The following government officials or agencies support designation.

U.S. Congressman Don Edwards
State Senator James R. Mills
State Senator Omer Rains
State Senator David A. Roberti
State Senator Alan Sieroty
State Senator Diane Watson
Assemblyperson Tom Bates
Assemblyperson Howard Berman
Assemblyperson Victor Calvo
Assemblyperson Leona Egeland
Assemblyperson Mike Gage
Assemblyperson Terry Goggin
Assemblyperson Tom Hannigan
Assemblyperson Gery Hart
Assemblyperson Richard Hayden
Assemblyperson Lawrence Kapiloff
Assemblyperson Mel Levine
Assemblyperson Bill Lockyer
Assemblyperson Dennis Mangers
Assemblyperson Herschel Rosenthal
Assemblyperson Sally Tanner
Assemblyperson Curtis Tucker
Assemblyperson John Vasconcellos
Assemblyperson Frank Vicencia
Assemblyperson Maxine Waters
Assemblyperson Chester Wray
Energy Conservation Office - State of Wyoming
The Resources Agency of California
Town of Fairfax, California

GROUPS AND ORGANIZATIONS: Some 35 groups and organizations gave their support to designation. The groups supporting designation were:

American Camping Tours, Inc.
American Wilderness Alliance
Arnold Whitewater Association
Audubon Canyon Ranch
California Academy of Sciences
California Native Plant Society
California Trout
California Wilderness Coalition
Ecology Center of Southern California
Ecology Club - Pleasant Hill High School
Hercules Environmental Resources Committee
Ken Sleight Expeditions
League of Women Voters of California
Ledyard Canoe Club of Dartmouth
Moki Mac River Expeditions
Northern California Council of Fly Fishing Clubs, Inc.
Northwoods Audubon Center
Orion River Expeditions
Outdoors Unlimited
Placer County Conservation Task Force
Public Lands Institute
Redwood Region Audubon Society
River Touring Section - Sierra Club (Bay Chapter)
Sandpiper Whitewater Guides
Save the River
Sierra Club
Sierra Club (Bay Chapter)
Sierra Club (San Diego Chapter)
Sierra Club (Santa Lucia Chapter)
Sierra Mac River Trips
The Trust for Public Land
Tri-City Ecology Organization
Tuolumne River Conference
Tuolumne River Expeditions, Inc.
Tuolumne Wild River Association

Senator **Wallop**. Dr. Meral, let me ask you this. We can find no instance in which a bill has been introduced in Congress to designate the Tuolumne, although the reports and recommendations are 3 years old.

Dr. **Meral**. I believe Congressman Dornan has submitted a bill to give permanent protection to Tuolumne.

Senator **Wallop**. When?

Dr. **Meral**. In July.

Senator **Wallop**. All right, this year, but there has been 3 years since that study was complete.

Dr. **Meral**. I will say, with all due respect to our California delegation, we have consistently urged Members in both the House and Senate to introduce such a bill. I think that, frankly, the pressing matters that you have been considering in the economic area simply cause matters like this not to be taken up. I wish we had some progress.

Senator **Wallop**. Thank you.

Mr. Amodio, please proceed.

STATEMENT OF JOHN AMODIO, DIRECTOR, TUOLUMNE RIVER PRESERVATION TRUST, SAN FRANCISCO, CALIF.

Mr. **Amodio**. My name is John Amodio. I am director of the Tuolumne River Preservation Trust. We are a coalition of fishermen, scientists, businessmen, and environmentalists who favor putting some of the Tuolumne River into the Wild and Scenic Rivers System. Its qualification for the system has been thoroughly documented by a congressionally directed study performed by the Departments of Agriculture and Interior.

The future of the Tuolumne River will be decided by Congress in the next Congress, or so we hope. Today you can insure that the future of the river is decided in a calm and rational manner through extending the recently lapsed interim protection.

At the turn of the century, Congress granted San Francisco the extraordinary privilege of building two major dams in the Yosemite National Park. Simultaneously, Congress dedicated the Tuolumne River as a multiple-use river and over the years development has continued on the river until today it is a hard-working river that provides domestic drinking water for over 2 million people, irrigates over 200,000 acres of farmland, and generates 2 percent of California's current electrical supply.

Still, the Tuolumne remains a true multiple-use river. It retains an extraordinary range of natural values and recreational values. There are four family recreation camps that continue today, a 50-year tradition of low cost, high quality family recreation.

The Tuolumne sustains one of the finest wild trout fisheries remaining in the entire Nation. In fact, in 1970, Gov. Ronald Reagan signed the proclamation naming the Tuolumne as an "extraordinary fishery waterway."

The Forest Service has proclaimed that the recreational boating on the Tuolumne is "one of the finest in the Nation, comparing favorably to the Colorado River in Arizona and the Salmon River in Idaho."

In brief, some of the river is developed and some of it still runs freely. The Tuolumne today represents a rare example of balance between developed and natural values.

To resolve the conflict of the river, Congress in 1975 authorized a study. The results of that study, following a thorough of 4 years of field investigations and major public hearings, recommended permanent protection for 83 miles of the river. It also provided for 3 years interim protection so that Congress could review the study and act on the recommendation.

However, Congress did not hold a hearing on this matter, and the interim protection is now expired.

The point is, Mr. Chairman, that during that period of time, as we all know, Congress is dealing with very fundamental issues of the country's economy and major questions regarding foreign policy and defense. It was not due to a lack of interest as the four major editorials in the California newspapers revealed. It was really due to a matter of higher priorities that they did not deal with this.

We see three major reasons for extending the protection of the Tuolumne River. The first is the basic equity and fairness. Congress should complete the process which it initiated to keep faith with the public effort. This congressional review should occur prior to further development and destruction of the natural values and recreational uses of the river.

Second, interim protection will almost assuredly result in the granting by FERC of two preliminary permits already filed. One of these is for the Clavey-Ward's ferry project, the most environmentally destructive of the proposals. It simply and fully spells the death of the river for other uses and natural values.

If this occurs, the issue would be muddled, the competing interests polarized and negotiations would be impossible.

We believe this time, the 1-year extension, all the interests would be protected, have an opportunity to make their case on the merits, fact, and reasons, and also have incentive for having discussion and entering a compromise in reaching an equitable solution.

In other words, renewing the temporary protection would be fair to the competing interests. Congress would then have the opportunity to reach a just and binding decision concerning the best use of the Tuolumne River.

Support for extension of protection spans the breadth of interest, including not only those who favor wild and scenic designation for the river, but others who view it as the logical and fair method to resolve a highly controversial issue.

Some of the major editorials from California are worth looking at excerpts from. The San Francisco Examiner poses the key question, and I quote, "Is further development of this already useful river resource justified?" And their response is, "Certainly not, without study of possible alternatives."

Then referring to this subcommittee hearing today they state, "All logic argues for the extension. Time is desperately needed to complete studies of the river and possible alternates to the destructive proposals now in motion. We urge the subcommittee to approve the Hayakawa measure. There is precious little time left."

The San Francisco Chronicle which in 1979 opposed wild and scenic designation in a major Sunday editorial now argues, "There has been a absence of documentation to date on the validity of the various proposals. It seems to us that prudence dictates the protection be extended until the division of opinion can be properly aired.

"* * * the point is", they continue, "that the San Francisco PUC is presently conducting a thorough study to assess the relevant benefits and costs of additional river development. Until this study is completed, the river protection should continue. If that is done, then the decision on what sort of development should be instituted—where and for whom—may be arrived at in a reasonable fashion with the benefit of appropriate information."

Mr. Chairman, I would like to conclude that we believe it is a tribute to Senator Hayakawa that even in the process of leaving office he is championing an approach to an historic and highly controversial issue that will protect all the interests and afford them equal opportunity to make their case on the merits of fact and reason.

We urge this subcommittee to follow Senator Hayakawa's leadership and pay tribute to his sense of balance of fair play by promptly supporting the extension of protection of the Tuolumne River.

This will assure that the issue is addressed squarely with all interests protected, and it can prevent it from degenerating into a polarized stalemate. We've seen that happen on other issues in which different interests were not protected.

We thank you for the opportunity to testify and urge your support for these bills.

[The prepared statement of Mr. Amodio follows:]

Tuolumne River Preservation Trust

Testimony before the

Public Lands Subcommittee

of the

Senate Energy and Natural Resources Committee

by

John Amodio

Director, Tuolumne River Preservation Trust

December 14, 1982

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Mr. Chairman, my name is John Amodio. I am director of the Tuolumne River Preservation Trust. We are a coalition of fishermen, scientists, businessmen, and environmentalists who favor putting some of the Tuolumne into the wild and scenic river system. Its qualification for that system has been thoroughly documented by a congressionally directed study performed by the Departments of Agriculture and Interior. While we are not rigidly opposed to modifications or perhaps even additions to the existing development system, we do firmly believe the river should remain a multiple use river. Therefore, any changes must be compatible with the current balance of uses and value.

I would like to thank the Chairman for holding todays hearing's. I am testifying on behalf of both the Trust and associated organizations, including:

California Trout, the largest association of recreational fishermen in California,

Northern California Fly Fishing Clubs,

Friends of San Jose Family Camp,

Friends of Berkeley Camp,

National Audubon Society,

Sierra Club,

Friends of the River, the largest state wide river conservation organization in California.

The Tuolumne River is a vital part of the life of northern california. Its future will be decided in the next Congress. Today you can ensure that the future of the Tuolumne River is decided in a calm and rational manner through extending the recently lapsed interim protection, rather than allowing it to degenerate into a polarized stalemate. As you know, the Tuolumne River has a special place in the heritage and history of America's conservation movement. Also, it has always had a special relationship with Congress.

At the turn of the century, John Muir and a fledlging conservation movement waged one of the country's first battles against development to preserve the grandeur of Hetch Hetchy Valley. They lost, and two major dams were built within Yosemite National Park to give San Francisco cheap water and electricity. Simultaneous to granting San Francisco this extraordinary privilege of damming Hetch Hetchy, Congress dedicated the Tuolumne River as a multiple use river.

In the decade since then, more dams and power houses were added to the Tuolumne and its tributaries. Today the city of San Francisco operates 4 dams and 3 power houses. Modesto and Turlock irrigation districts own Don Pedro reservoir, storing the fourth largest reservoir in California. They also operate two power houses. The overall storage capacity of these reservoirs is now greater than the annual flow of the river.

The Tuolumne River of today is a hard working river, harnessed to provide us with water and hydroelectricity. It offers crystal clear drinking water to two million people, irrigates over two hundred thousand acres of the nation's richest farmland and generates 2% of California's current electrical supply, primarily utilized by Modesto and Turlock irrigation districts (which pay the lowest rates in all of California).

Still, the Tuolumne remains a true multiple use river. It retains an extraordinary range of natural values and recreational uses, notably:

* Family recreation: Four camps owned by the cities of Berkeley, San Jose, San Francisco and the Bay Area United Jewish Community Council are used by thousands of families each year. They continue today a fifty year tradition of low cost, high quality outdoor family recreation.

* Fisheries: One of the finest wild trout fisheries remaining in the entire nation. In 1970, Governor Ronald Reagan signed the proclamation naming the Tuolumne as an "extraordinary fishery waterway" in the California Protected Waterway Plan. The river holds over 1,000 pounds of fish per acre, three times greater than the stock in the best fishing lake in the State.

* Recreational Boating: The Tuolumne is the highest quality and most exciting white water boating stretch in California. The U.S. Forest Service has stated that the rafting and kayaking run is "one of the finest in the nation, comparing favorably to the Colorado River in Arizona and the Salmon River in Idaho".

The United States Navy has proclaimed the Tuolumne "extraordinarily valuable" for training elite SEAL Teams for river warfare.

* Diverse and abundant wildlife and plant communities: Including such rare varieties as bald eagle, bobcat and mountain lion. It provides the critical winter range for two of Yosemite's largest deer herds. Over 22,000 deer tags a year are sold to hunters to use this area.

* Historical Records: The canyon is dotted by the remains of human use dating back to 2000BC.

As many as 2,700 Central Miwok Indians lived in the canyon at one time. The Forest Service has stated that the middle river is "reasonably undisturbed and represents the most complete remnant of the once extensive cultural record of the Central Miwok and their ancestors."

Starting in the 1850's, gold was mined in this area with pans, hydraulic hoses and larger equipment in this area. In contrast to similar historical records in other foothill canyons, which are largely flooded, these are still untouched, and unstudied.

In brief, some of the river is developed, and some still runs freely. The Tuolumne today represents a rare example of balance between developed and natural values.

Yet, San Francisco's Hetch Hetchy Water and Power department and Modesto and Turlock irrigation districts have proposed a complex scheme of developments which would flood or dry up much of the remaining natural river stretches. The worst of these proposals would obliterate 23 miles of the scenic river.

To resolve this conflict, Congress in 1975 authorized a study of the River by the Departments of Agriculture and Interior to determine whether the public would benefit more from further development or preservation in the National Wild and Scenic River System. In October 1979, following a thorough study and four major hearings, these resource agencies, along with the Office of Management and Budget, recommended permanent protection for 83 miles of the "outstandingly remarkable" river as in the highest public interest. Under the terms of the National Wild and Scenic Rivers Act, the federal Energy Regulatory Commission was not to proceed with the licensing of any hydro-electical project until October 1st 1982, so that Congress could review the study and act on the recommendation.

However, Congress failed to even hold a hearing on this matter. The interim protecton has now expired. As a result, we support S. 2811 and S. 3060 with the single amendment that the protection be extended for two years. The two year period is necessary to ensure that vital information now being developed through a $1.2 million environmental impact study on all major developments, and non-river alternatives for energy production is available.

There are three major reasons for extending the protection on the Tuolumne River:

1. Basic equity and fairness: Congress should complete the process which it initiated. The public and the resource agencies have done their part. Now Congress should finish the job. To keep faith with the public effort, this congressional review must occur prior to further development and destruction of the natural values and recreational uses of the river.

2. Ending the protection would almost assuredly result in the granting by FERC of two preliminary permits already filed. If these permits are granted, the Modesto and Turlock irrigation districts will almost certainly begin making major capital investments in pursuit of the Clavey-Ward's ferry project. This is the most environmentally destructive of the proposals. It simply and fully spells the death of the river for other uses and natural values.

Thus, the irrigation districts would be biasing the options by sinking capital into the worst possible project before having relative benefits of the seven major alternatives now being studied in the legally required environmental impact study. This would push us towards a situation in which sunk capital forecloses more rational or better balanced alternatives. The issue would be muddled, the competing interests polarized. Negotiations would be impossible.

3. Extending the protection protects all interests: The extension will not jeopardize potential projects or impose additional costs as the environmental impact study must be conducted prior to approval of any project and then its construction.

The most sensible and valuable time for such a study to occur is now, in fact the San Francisco Public Utilities Commission is now contracting for approximately a $1.2 million study on all the major proposed projects.

In other words, renewing the temporary protection would be fair to the competing interests. Congress would then have the opportunity to reach a just and binding decision concerning the best use of the Tuolumne River.

Support for Extension

Support for the extension of protection spans the breadth of interest, including not only those who favor wild and scenic designation for the river, but others who view it as the logical and fair method to resolve a highly controversial issue. Among the supporters for extending the protection area:

City of San Jose,
City of Berkeley,
California Trout,
California Native Plant Society,
Federation of Fly Fishermen,
Sierra Club,
National Audubon Society,

City of San Francisco, which is one of the perspective developers of the Tuolumne has by a ten to one vote of their Board of Supervisors gone on record supporting a three year extension of protection. As their resolution states, "the environmental impact study contracted for by the San Francisco Public Utilities Commission can proceed during such renewed interim protection; allowing all aspects of this historic and controversial issue to be calmly and fully examined".

Major California newspapers have also editorialized for extending the protection. Excerpts from several of them are worth noting. San Francisco Examiner in a December 9, 1982 editorial entitled "Don't Mess Up the Tuolumne", cogently poses the key question:

> "Is further development of this already useful river resource justified? Certainly not, without study of possible alternatives. But that cannot come about without favorable action in the current lame-duck session of Congress. We fervently hope for such action, the first step of which is scheduled for Tuesday.

> On Tuesday the Public Lands Subcommittee of the Senate Energy and Natural Resources Committee will hold hearings on a bill by Senator S.I. Hayakawa to renew the internal protection of the Tuolumne. Senator Alan Cranton supports the bill. All logic argues for it. The Federal Energy Regulatory Energy Commission, paying due attention to the large issues involved, has agreed not to start processing applications for development until Congress has acted.
>
> Time is desperately needed to complete studies of the River and possible alternates to the destructive proposals now in motion. We urge the Subcommittee to approve the Hayakawa measure. There is precious little time left."

The San Francisco Chronicle originally opposed wild and scenic designation in 1979. In a major editorial published in their Sunday edition of December 12th 1982, the Chronicle now argues:

> "There has been an absence of documentation to date on the validity of the various proposals. Its seems to us that prudence dictates that protection be extended until the division of opinion can be properly aired. Both California Senators Republican S.I. Hayakawa and Democrat Alan Cranston, are of a similar mind. We urge passage of the proposal to extend the moratorium for a year, S. 2811, at this lame-duck session of Congress.
>
> At this stage, we are not going to render judgement on the proposals... the point is that the San Francisco PUC is presently conducting a thorough study to assess the relevant benefits and costs of additional river development.

Until this study is complete, the river protection should continue. If that is done, then the decision on what sort of development should be instituted -- where and for whom -- may be arrived at in a reasonable fashion with the benefit of appropriate information."

President of the California Public Utilities Commission, John Breyson, has stated, "While hydroelectric power has many virtues, my own conclusion is that the small increments of new supply that could be provided by additional damming of the Tuolumne is outweighed by the natural values associated with the protection of the remaining stretches of that beautiful canyon."

It is a tribute to Senator Hayakawa, that even in the process of leaving office, he is championing an approach to an historic and highly controversial issue that will protect all the interests and afford them equal opportunity to make their case on the merits of facts and reason. We urge this Subcommittee to follow Senator Hayakawa's leadership, and pay tribute to his sense of balance of fair play by promptly supporting an extension of protection for the Tuolumne River.

Thankyou.

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Editorials

Don't mess up the Tuolumne

THE TUOLUMNE River, rising in Yosemite National Park and tumbling through scenic canyons to its confluence with the San Joaquin River near Modesto, is one of California's working rivers. It provides electricity and water to San Francisco and a dozen other Bay Area communities, and irrigates hundreds of thousands of acres of Central Valley farmland.

To that must be added the fact that its adjacent semi-wilderness area is crowded with wildlife — 200 species of birds alone. Some of the best trout fishing in the world is found there.

Is further development of this already useful river resource justified? Certainly not, without study of *possible* alternatives. But that cannot come about without favorable action in the current lame-duck sesion of Congress. We fervently hope for such action, the first step of which is scheduled for Tuesday.

A word of background:

The Carter administration's two-year interim protection plan for the river expired in October. Meanwhile, development proposals (a dam and power station) have been advanced, principally by the Modesto and Turlock irrigation districts, that would generate electricity and provide a limited new supply of irrigation water. They also would obliterate 23 miles of the scenic river.

We oppose that.

On Tuesday the public lands subcommittee of the Senate Energy and Natural Resources Committee will hold hearings on a bill by Sen. S.I. Hayakawa to renew the interim protection of the Tuolumne. Sen. Alan Cranston supports the bill. All logic argues for it. The Federal Energy Regulatory Commission, paying due attention to the large issues involved, has agreed not to start processing applications for development until Congress has acted.

Time desperately is needed to complete studies of the river and possible alternates to the destructive proposals now in motion. We urge the subcommittee to approve the Hayakawa measure. There is precious little time left.

DECEMBER 12, 1982

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Editorial Comment

San Francisco Chronicle

Richard T. Thieriot, Editor and Publisher
Charles de Young Thieriot, Publisher 1955-77
George T. Cameron, Publisher 1925-55
Founded 1865 by Charles and M.H. de Young

A River's Future

FOR MANY years now, the clear and tumbling Tuolumne River and its tributaries in the Sierra have been providing much of the electrical power and water consumed in San Francisco and some of the Peninsula. This river is also a gem of the wilderness. Rafting enthusiasts consider it one of the best whitewater runs in the U.S. It supports a fine trout fishery. Its wild yet peaceful setting provides a spirit-lifting antidote to the pressures of urban life.

But camping, fishing and rafting can run counter to the requirements of harnessing water for power, and the Tuolumne River has spawned a confrontation between would-be power producers and the conservationist/recreationist sector of our society.

"Taken at its face value, the two competing proposals for use of the Tuolumne River comprise an irreconcilable conflict," said the San Francisco Planning and Urban Research Association in a 1980 report. "California needs additional electricity. Use of hydroelectric facilities to meet this need is the cheapest and least polluting method for providing such electricity . . .

"Yet, one by one, California's rivers are being destroyed by dams and diversions. Virtually all rivers in the state have some structure on them. Each river is under the jurisdiction of some entity with authority to build additional dams. That entity argues on behalf of saving wild rivers in general, but submits that if it could only build its dam, it would meet a pressing need and save a lot of money in the process."

The entities that bear on our particular discussion are basically the Modesto and Turlock Irrigation Districts, which have applications for development of the Tuolumne now on file before the Federal Energy Regulatory Commission. And there is some immediacy in this state of affairs because the interim Wild and Scenic River protection once accorded the Tuolumne by the Interior and Agriculture departments recently expired.

So the issue has not been resolved as originally envisioned. There has been an absence of documentation and debate on the validity of the various proposals. It seems to us that prudence dictates the protection be extended until the divisions of opinion can be properly aired. Both California senators, Republican S. I. Hayakawa and Democrat Alan Cranston, are of a similar mind. We would urge passage of the proposal to extend the moratorium for a year, S2811, at this lame-duck session of Congress.

The Tuolumne River Preservation Trust, a coalition of fishermen, scientists, businessmen and environmentalists who favor placing some of the Tuolumne in the Wild and Scenic River System, say that ending the temporary protection will allow the energy commission to grant preliminary permits for which applications have already been filed. Resulting capital investments, the trust contends, will force the irrigation districts to oppose permanent protection regardless of the merits.

There are a number of proposals for the Tuolumne. There is, for instance, the Clavey-Wards project involving some small dams and reservoirs approximately 10 miles southwest of Hetch Hetchy. It is in a fairly remote part of the river; would produce revenue for San Francisco, and provide the electrical needs for many thousands of households.

Other ideas have been submitted to the San Francisco Public Utilities Commission: For raising O'Shaughnessy Dam in Yosemite National Park; building a long tunnel to divert much of the water in the Tuolumne outside the park; damming the South Fork and moving the water to the Middle Fork, and flooding the mountain camps of the cities of Berkeley and San Jose in what is known as the "Hardin Flat" power project.

* * *

AT THIS STAGE, we are not going to render judgment on the proposals. Some, like Clavey-Wards, have elements that deserve consideration. But the point is that the San Francisco PUC is presently conducting a thorough study to assess the relative benefits and costs of additional river development.

Until this environmental study is completed, the river's protection should continue. If that is done, then the decision on what sort of development should be instituted — where and for whom — may be arrived at in reasonable fashion with the benefit of appropriate information.

STATEMENT OF RICHARD D. LINFORD, VICE PRESIDENT, WESTERN RIVER GUIDES ASSOCIATION

Mr. LINFORD. My name is Dick Linford. I am vice president of the Western River Guides Association, which represents over 200 river guides and outfitters from 11 Western States. I am on the national outfitter task force, outfitter permit policy, and also am a member of the Tuolumne County Chamber of Commerce.

I have been a river outfitter for 12 years. My company runs float trips on the Tuolumne, and I am director of Tuolumne River Expeditions, an association of the original eight companies who run the river. I am representing the river outfitter community before this committee.

Eleven outfitter companies run commercial float trips on the Tuolumne. All these companies are small, entrepreneurial businesses. Together we employ over 70 people on the river, all of whom would lose their jobs were we to lose the river. Most of these people are men and women in their twenties, very vulnerable to unemployment, and dependent on these jobs for their living.

We, our employees, and our clients contribute significantly to the economy of Tuolumne County. Tourism is the county's No. 1 industry, and we are a significant part of that. Our clients not only run the river, they stay at least one night in the area, eat two meals in restaurants, and spend money in the local stores. Our employees live in the area during the floating season, and spend their paychecks there.

We buy our trip food at local grocery stores, gas and maintain our vehicles at local gas stations and garages, and own or rent property in the area. The county would be sorely damaged by our disappearance.

The Tuolumne River has a national reputation as one of the finest whitewater runs in the country. People come from all over just to run it. This is not only from the United States, but from other countries as well.

Our trips have normally been filled nearly 1 year in advance, and we usually have long waiting lists of eager clients.

The river's reputation is well deserved. I have run virtually all the major rivers in the West, and I can truthfully say that the Tuolumne, mile for mile, is second to none. And its proximity to such major metropolitan areas such as San Francisco and Los Angeles makes it even more of a treasure.

But the Tuolumne is much more than a whitewater river. In its present state it is a valuable resource to a variety of people. There are several city and church recreation camps on it and its tributaries. Many of these are threatened by the presently proposed hydroelectric projects.

There is a wealth of mineral deposits in the canyon, also threatened by the proposed reservoirs. The river is one of the best trout streams in America. Its spawning ground would be destroyed by the proposed Clavey-Wards Ferry power project.

In 1980 the river canyon had 136,000 visit-use days, and it will now experience a radical increase in use. Last year, the Stanislaus River, 20 miles north of the Tuolumne, was flooded by the New Melones Reservoir. Because of its accessability, it was for some time the second most popular recreation river in the West—behind the Snake River in Wyoming. The Tuolumne is going to have to accommodate many of the Stanislaus' displaced recreationists.

The Tuolumne is already a hard-working river. It already has five dams on it, providing considerable power and irrigation water. When I began running the river in 1971, we had 24 miles of excellent whitewater to run. Now, we have 16 to 18 miles, depending on the level of Don Pedro Reservoir, a reservoir, by the way, that has a larger shore line than Lake Tahoe. Completed in 1970, Don Pedro is the fifth largest reservoir in the State.

To allow more hydroelectric development on the river will change it from a multipurpose river to simply a source of water and power for the city of San Francisco and Turlock and Modesto Irrigation Districts.

We river outfitters have an obvious stake in saving the Tuolumne. Our livings and those of our employees depend on it. But there are many other organizations who need the river in its present state.

The city and church camps on the river and its tributaries need it, and are working to save it.

Many sportsmen's organizations want to preserve its excellent trout fishing, and are asking for wild and scenic status for it.

In 1978, the voters in Tuolumne County voted 2 to 1 against allowing any further hydroelectric development on the river by San Francisco, Turlock, or Modesto.

In 1981, the board of directors of the Tuolumne County Chamber of Commerce unanimously passed a resolution asking for a 20-year moratorium on further hydroelectric development. The general membership of the chamber later voted against further development on the river by interests outside the county.

The Highway 120 Association, an organization of the businesses in and near Groveland, the town nearest the river, has also asked for a 20-year moratorium on further development.

The Western Mining Council, recognizing the mineral wealth in the canyon, has passed a similar resolution.

The city of San Franciso has the primary rights to hydroelectric power projects on the Tuolumne, and thus has a very important stake in the river. Yet its board of supervisors has voted unanimously to recommend that Congress grant the river a new 3-year study period.

Both California's U.S. Senators, Alan Cranston and S. I. Hayakawa, have asked for further consideration by Congress, as has Congressman-elect Richard Lehman, in whose district the river flows.

I urge you, Senator, to release bills S. 2811 and S. 3060 to the floor of the Senate immediately. The river is sufficiently valuable, the issues sufficiently complex, and the economics sufficiently important for Congress to take a hard and serious look.

[The prepared statement of Mr. Linford follows:]

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I have been a river outfitter for 12 years. My company runs float trips on the Tuolumne, and I am a director of Tuolumne River Expeditions, an association of the original eight companies who run the river. I am representing the river outfitter community before this committee.

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Some of us outfitters run only the Tuolumne and are entirely dependent on it for our economic existence. For most of us, the Tuolumne is the river that makes our businesses viable.

We, our employees, and our clients contribute significantly to the economy of Tuolumne County. Tourism is the county's number one industry, and we are a significant part of that. Our clients not only run the river, they stay at least one night in the area, eat two meals in restaurants, and spend money in the local stores. Our employees live in the area during the floating season, and spend their paychecks there.

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The Highway 120 Association, an organization of the businesses in and near Groveland, the town nearest the river, has also asked for a 20 year moratorium on further development.

The Western Mining Council, recognizing the mineral wealth in the canyon, has passed a similar resolution.

The USDA Forest Service study team in 1979 declared that the river had "outstandingly remarkable value", and recommended that it be granted Wild and Scenic River status. The California Department of Natural Resources has done likewise.

The city of San Francisco has the primary rights to hydroelectric power projects on the Tuolumne, and thus has a very important stake in the river. Yet its Board of Supervisors has voted unanimously to recommend that Congress grant the river a new three year study period.

Both California's United States Senators, Alan Cranston and S.I. Hayakawa, have asked for further consideration by Congress, as has Congressman-elect Richard Lehman, in whose district the river flows.

I urge you, Senator, to release bills S2811 and S3060 to the floor of the Senate immediately. The river is sufficiently valuable, the issues sufficiently complex, and the economics sufficiently important for Congress to take a hard and serious look.

Senator **Wallop**. Thank you very much, Mr. Linford. I must say your testimony is eloquent, but it concerns me that you are at this late date—we held a hearing as fast as we could, given when we were first requested to hold a hearing which was late in September, and as you well know, we adjourned October 2. We were not able to hold it before we left.

The sense of urgency that you developed was simply not evident in the political process. I'm not certain what may come in the time that's left to do this.

Why is it a foregone conclusion that something would happen in the next year?

Dr. **Meral**. I don't think it's necessarily a foregone conclusion. I am sure when you hear the opposition to this bill, they will be happy to tell you that they're anxious to press on with the project that they view as important. I am sure they will try to get the license.

Senator **Wallop**. But the permitting process through FERC is going to take at least that long, at least as long as a year.

Dr. **Meral**. Yes, I would imagine it would take more than a year to get a permanent license from FERC, but once a preliminary permit is granted, which is an expeditious process, then irrigation districts will begin to commit time, resources, and manpower to investigations which will, in their view, lead ultimately to the project. The more of those sorts of resources that are committed, the harder it will be, I think, for Congress or State legislature or anyone else to try to block that permit.

Senator **Wallop**. But have those time, resources, and manpower already been committed?

Dr. **Meral**. In the river canyon where the work has to be done, very little has been done so far.

Senator **Wallop**. The dam site is in the canyon?

Dr. **Meral**. Yes. The Clavey-Ward's Ferry Dam is in the river canyon.

Senator **Wallop**. Where it joins it becomes the Tuolumne?

Dr. **Meral**. That's the main stem and one of the powerplants would be there.

Senator **Wallop**. You boated from——

Mr. **Linford**. We boated to Don Pedro Reservoir.

Senator **Wallop**. It's a pretty primative map I have.

Mr. **Amodio**. The Clavey-Ward's project may result in the drying up or flooding of the reservoirs in about 23 miles on the river. This is the stretch of the river that sustains the renowned trout fishery which also coincides with the whitewater boating.

Senator **Wallop**. Why would it dry up anything?

Mr. **Amodio**. The first dam impounds water that is held and diverted through a tunnel to gain the elevation they need for the hydropower. It would dry up that stretch of the river down toward the mouth of the Clavey, and Ward's Ferry Dam would back up the river as a reservoir to the mouth of the Clavey.

Mr. Chairman, if I could comment on your question about our concern for the next year, we have on a number of occasions been involved in issues in which some capital which potential developers have put a fair amount of revenue and effort into a project, and then information came forth that showed that there were better alternatives, or that there was higher value when the development came forth, but since there was so much money committed it biased the decisionmaking process, and no one wanted to have that type of loss.

Senator **Wallop**. I can understand that, but by the same token you have another substantial study that is underway now. The city of San Francisco has commissioned it. I presume that argument wouldn't wash. That would be equal commitment.

Dr. **Meral**. The potential developers are not in agreement as to what development would be. There are two sets of potential developers.

Senator **Wallop**. That would be operating in your favor, not theirs. I am trying to cast an air of realism over what time structure is left and what it takes for somebody to stop it. As you know, there is congressional opposition from the State of California, and at this stage in the session it takes very inarticulate opposition to lose. I mean, that's the way it is. You have to be really not very competent to lose.

I'm suggesting that the other options not stray far from your awareness.

Mr. **Amodio**. We are delighted to have Senator Hayakawa and Senator Cranston represent us in the Senate, but we are also confident that if the Senate in which the bill originates were to act favorably, that the House would handle the legislation in the time frame, and we are willing to take our chances. We are confident that there is support, there is strong support to see this reasonable extension granted.

Frankly, some of the people who don't want wild and scenic, or who are not convinced at this time, want to avoid a political confrontation that they feel will occur if preliminary permits are granted.

Senator **Wallop**. It could happen that way, but if I were you I would keep all plans functional. I'm not threatening in any way. I'm just telling you what the realistic world is.

Mr. **Linford**. Senator, I'm probably more ignorant of the political processes than anyone in the room, but to my knowledge Congress had not moved on a single river in the last 3 years. I don't think that is because there aren't any rivers worth moving on, or that Congress doesn't have an interest in saving rivers. It's a matter of Congress being diverted, the attention of Congress being elsewhere.

To let these rivers die simply because Congress has been diverted elsewhere, I don't think is the purpose of Congress.

Senator **Wallop**. There was more than one river that was designated in the Alaska lands legislation. There has been precious little introduced. I'm not able as a subcommittee chairman to wave wands and make bills come in front of us.

I thank you all for coming here.

Next is a panel on S. 2811, Mr. Philip Short, president of the board of directors of Turlock Irrigation District; and Mr. Ernest Geddes, general manager, Turlock Irrigation District.

STATEMENT OF PHILIP SHORT, PRESIDENT, BOARD OF DIRECTORS, TURLOCK IRRIGATION DISTRICT, ACCOMPANIED BY ERNEST GEDDES, GENERAL MANAGER, TURLOCK IRRIGATION DISTRICT

Mr. SHORT. Thank you, Mr. Chairman. My name is Philip Short. I am the president and member of the board of directors of the Turlock Irrigation District, and at this point you can expect my sense of logic and fair play to go in a slightly different direction than you've heard up to this point.

Turlock Irrigation District is a citizen-owned electric utility system which together with the Modesto Irrigation District, another of the applicants, serves over 250,000 people in the Central Valley of California.

Accompanying me today is Mr. Ernest Geddes, the general manager of the TID, an individual who has been intimately familiar with this particular matter for many years and who is conversant with many of the technical and economic aspects.

Mr. Chairman, I also have a lengthy and detailed statement which I will submit for the record. I would like to hit the high spots of our statement and thereby reserve as much time as possible for any discussion or questions that may be helpful to the subcommittee.

You have heard testimony today with regards to some positions as they relate to the Tuolumne River. But there is a vast constituency out there whose opinions have not been represented.

The previous witnesses spoke of some resolutions that were taken by the Tuolumne County Board of Supervisors in 1978 and 1980. We would like to present today to be incorporated in the record following our statement, statements on behalf, and statements in the time frame of November 30, 1982, a resolution of the Tuolumne County Board of Supervisors supporting our position; a statement by the California Federation of Labor, California Chamber of Commerce, the California Municipal Utilities Association, the Agriculture Council of California, California Women for Agriculture, Tuolumne County Farm Bureau, Stanislaus County Farm Bureau, California State Buildings and Construction Trades Council, California State Council of Carpenters, Operating Engineers Local Union No. 3, the San Francisco Labor Council, and the American Public Power Association. Also please note that Mr. Robert Will is here today testifying on behalf of the Association of California Water Agencies, an organization made up of the many agencies in our State concerned with water supply.

The record should also show that the voters of Tuolumne County rejected a referendum which supported wild and scenic designation in the June 8, 1982, election.

We vigorously oppose S. 2811 and that part of S. 3060 that deals with the Tuolumne River. Our application for preliminary permit to explore the feasibility of a 400-megawatt hydroelectric project on the Tuolumne was submitted to the Federal Power Commission, now the Federal Energy Regulatory Commission, in 1976. We have been patient through two 3-year periods of no action, and in all fairness believe that we permitted the process to work as contemplated by the Wild and Scenic Rivers Act.

The FERC has permitted numerous interventions in our proceeding and we have not objected to any. A most recently submitted intervention is by the State of California on behalf of the department of water resources. Even though it is many years late, in our view it makes sense to have before the FERC all parties who have something to contribute to the decisional process.

We are confident that our project will withstand scrutiny, and if it is necessary to adopt any modifications or conditions to accommodate other interests, the FERC will hear full and detailed arguments on the various issues.

To us there is no compelling need to adopt a moratorium for the simple reason that we do not believe the designation as a wild and scenic river is warranted.

In addition, all the land adjoining the segment of the Tuolumne River in question is held in Federal Government ownership either by the Bureau of Land Management, the Park Service or the Forest Service.

All interested parties can make their case to the FERC. It has been suggested that another year's delay will not be harmful and will afford an opportunity to determine which of the various alternative proposals are deserving of consideration.

I would like to stress that time is of critical importance. Our consultant already advises us that the 3-year delay added over $200 million to the cost of the project, and that the additional year delay proposed by S. 2811 would increase the cost by more than $64 million.

This is, of course, a burden that will be borne by the people of our area if the project is constructed. Perhaps even more important is the fact that there is a consensus that northern California will require considerably more power in the near term, meaning by 1990. Moreover, the water supply for the Tuolumne County is known to be in jeopardy.

To the extent a determination of whether there shall be a project constructed is delayed an additional year, the people who must make alternative arrangements if the project is not constructed are being unfairly treated by being required to wait yet another year.

This factor is reflected in the resolution unanimously adopted by the Tuolumne County Board of Supervisors and by many other statements which we have submitted for the record.

With regard to using the time to evaluate alternative proposals, our project cannot be evaluated without the data to be produced by virtue of the exploratory work required by a preliminary permit.

In fact, FERC has numerous project proposals before it for the area and has an obligation to consider the merits of competing or conflicting proposals. Please don't put us on hold for another year.

Our project—it has at least been implicated in some of the other testimony that our project would implicate some of the camps, the San Jose Camp and the Berkeley Camp. Our project will not do this. Most of our project, with the exception of the Ward's Ferry Dam is off the main stem of the Tuolumne River.

Senator WALLOP. I don't mean to interrupt your testimony, but when you said the voters this year voted against the wild and scenic status, the voters of Tuolumne County on June 8 of this year, do you view that as a change in posture from the statement of Mr. Linford in which he said in 1978 that they voted 2 to 1 against allowing any further hydroelectric development on the river?

Mr. **Short**. Mr. Linford might not agree on many things. There were some imperfections in the proposal that was submitted to the voters in 1978. I believe that people who would support the extension of the moratorium felt that their case would be strenghtened by submitting another proposition to the voters and they lost the vote. The vote more directly in 1982 dealt with the issue that we are discussing here today from the vote in 1978. The 1978 resolution was a much more general resolution and the wording of these propositions can make a good deal of difference.

When it comes time to try and convey to the voters exactly what they are voting on the wording makes a great deal of difference, and I very definitely believe that they better understood the issues that were at hand in 1982 than they did in 1978.

Senator **Wallop**. Is one of the groups that you listed, is that the Tuolumne County Chamber of Commerce?

Mr. **Short**. I did not list——

Senator **Wallop**. I can't remember.

Mr. **Short**. I listed the Tuolumne County Board of Supervisors and the Tuolumne County Farm Bureau.

Senator **Wallop**. I'm just trying to get it straight on what did and did not happen. I'm sorry to interrupted you.

Mr. **Short**. We are willing and able to get on with the job of making the necessary studies to determine whether our project is feasible as we have proposed it, or whether it should be rejected or modified. We need a preliminary permit to do the work that we have to do to adequately evaluate this project. In fairness, we should be permitted to get on with that phase of the activity.

No one will be disadvantaged by a failure to impose a moratorium. The Federal Government is not about to undertake activities that would be contrary to the spirit of the Wild and Scenic Rivers Act protections.

The FERC is required by law to be sensitive to those issues. I assure you that we in the area are also sensitive to them. I've literally grown up, at least during the summertime, with my feet in the Tuolumne River. I've lived alongside immediately adjacent to that river for over 43 years. I'm elected to the board of the Turlock Irrigation District by my neighbors and people of the area who share a desire to harmonize the various conflicting goals and requirements. But to be handcuffed an additional year for no good reason is asking too much of us. We respect the people who oppose us on this matter, and yet sincerely we believe that they have and will have every opportunity in the administrative proceeding, and if required in judicial review of any FERC decision, to insure that their legislative concerns are taken into account.

Mr. **Geddes**. I have nothing to add. I would like to introduce in the record copies of some of the resolutions that have been referred to. We will submit them and be happy to answer any questions.

[The prepared statement of Mr. Short and additional material submitted for the record follow:]

STATEMENT OF TURLOCK IRRIGATION DISTRICT
BEFORE THE SENATE SUBCOMMITTEE
ON PUBLIC LANDS AND RESERVED WATER
ON S.3060 and S.2811 WHICH WOULD REINSTATE
"WILD AND SCENIC RIVERS" MORATORIUM
ON THE TUOLUMNE RIVER

December 14, 1982

Mr. Chairman and Members of the Subcommittee:

My name is Philip Short and I am the President of the Board of Directors of the Turlock Irrigation District (TID), a citizen-owned electric utility system which together with the Modesto Irrigation District, another of the applicants, serves over 250,000 people in the Central Valley of California. Accompanying me is Mr. Ernest Geddes, the General Manager of TID, an individual who has been intimately familiar with this particular matter for many years and who is conversant with the technical and economic aspects.

We appreciate the opportunity to present our views to the Subcommittee on a matter of enormous interest--and considerable controversy--in our part of the country.

LEGISLATIVE SITUATION

On October 2, 1979 former President Carter submitted a message to the Congress recommending that the Tuolumne River, together with a number of other river segments, be designated as wild and scenic under the Wild and Scenic Rivers Act of 1968. Upon his recommendation, a moratorium was triggered by the Act which provides that there may not be any development on a river recommended for designation for a period "not to exceed three years." On October 2, 1982, the moratorium expired by its own terms. Both S.3060 and S.2811 would reinstate a moratorium on the Tuolumne River to run through October 2, 1983. We are strongly opposed to reinstituting a moratorium and hope to explain our reasoning and rationale as persuasively and succintly as possible. Our testimony is limited to the question of whether the moratorium should be imposed only on the Tuolumne River. With respect to the other river segments included within S.3060, we express no opinion.

BACKGROUND

In October 1976, TID, the Modesto Irrigation District, and the City and County of San Francisco applied to the Federal

Power Commission (now the Federal Energy Regulatory Commission) for a preliminary permit for the purpose of determining whether a hydroelectric project on the Tuolumne River, known as the Clavey-Ward's Ferry Project should be licensed by the FPC. As proposed in the application, Clavey-Ward's Ferry would consist of three dams and reservoirs and would have a capacity of 400 megawatts and would generate 884 million kilowatts of electric power annually. Further, the proposed project would provide an additional 11,900 acre feet of domestic water, an amount adequate to support 25,000 people annually. As proposed, the project would save some 12 million barrels of oil or 15 million tons of coal during the 40-year period for the repayment of the bonds that would be issued to finance the construction of the project.

Shortly after the filing of the application, the Tuolumne was selected together with other rivers throughout the United States to be evaluated for possible inclusion in the federal wild and scenic river system. This period of evaluation was to run for three years and during that time no preliminary permit was issued nor did the applicants request one, believing that it made sense to provide an opportunity to determine whether or not there was any prospect for designation of the river as wild and scenic. As indicated above, on October 2, 1979, President Carter recommended designation. This then started a second three-year moratorium which expired on October 2 of this year.

Extensive hearings were held in the area during 1979 by the federal government. Subsequent to that time the House Subcommittee on Public Lands and National Parks held hearings in November 1979 on the recommendation regarding the Tuolumne, as well as other river segments. The House Committee on Interior and Insular Affairs reported a bill (H.R.8096) to the House floor on September 19, 1980. On September 22, 1980 the House approved H.R. 8096. It is significant that the Tuolumne River was not included in the rivers that would have been designated wild and scenic if H.R. 8096 had been enacted into law. No action was taken on H.R. 8096 by the Senate in the 96th Congress and thus the bill died at the end of that Congress. No action was taken by either the House or the Senate during the 97th Congress, at least up until today.

A MORATORIUM ON THE TUOLUMNE IS UNNECESSARY

The lands adjoining the Tuolumne River segment in question are owned by the federal government, under the jurisdiction of either the Bureau of Land Management, the Forest Service or the Park Service. The only exceptions are a group of small scattered sites, totaling 149 acres, which are in private ownership as a result of mineral patents which pose no threat of commercial development or other activities in the Tuolumne that would adversely affect the existing status of the river.

We contend that the Tuolumne is not a suitable river for wild and scenic river designation because of the federal control of the surrounding property. The basic purpose of the Wild and Scenic Rivers Act is to provide protection to river segments where no other protection against undesirable development is available. The House Committee Report accompanying H.R. 8096 mentioned above (H.Rep. 96-1359) explained in deleting river segments proposed for study within the Olympic National Park, "This is in accordance with the general past policy of not studying or designating river segments on land which are already subject to legal protections equal to or greater than that which would be afforded by a wild and scenic river designation. The wild and scenic rivers system is principally designated to protect meritorious river segments for which no other protective mechanism is as practical or available."

Additionally, under the Federal Power Act the FERC is required to consider all opposition to the issuance of a license to construct a project as well as to consider the environmental consequences of any proposal to construct a facility. Under court interpretations of this responsibility, the FERC has not only the obligation to listen to the recommendations and suggestions made by outside parties, but it also has an affirmative duty itself to consider whether other and better alternatives should be explored (Scenic Hudson Preservation Conference v. FPC, Court of Appeals for the Second Circuit, 1965). Numerous parties have already intervened in the proceeding, including the Department of the Interior, the Sierra Club, and other interested organizations. Although the state of California's Department of Fish and Game intervened in the proceeding in 1977, only last month, the State of California acting on behalf of the Department of Water Resources filed a petition to intervene. In normal circumstances, the FERC will permit late intervention by a state agency and, of course, we have no objection to their entering the proceeding. The point is that any questions about the project, whether it relates to its economic viability, whether it relates to the impact on fish in the river, or whether it impacts adversely on environmental values are properly subject to argument and debate and presentation before the FERC. This is where the issues should be joined and if past experience is any indication, will be joined. We are confident about the merits of the project we have proposed and welcome the opportunity to argue the matter in the most intense fashion with the right of cross examination available to all parties. We are publicly owned and we are elected to the Board by our citizens so we, too, have a deep sense of responsibility to our constituents to pursue sound policies.

Although our consultant has prepared materials that demonstrate that the project is not only viable, but highly attractive, we recognize that it is at least conceivable that when we undertake the studies required by the preliminary permit, we may conclude that the project as proposed is not appropriate at which time we can either withdraw or modify the proposal. It is a long and torturous process and one we are willing and anxious to undertake, but it has been a very long time since the application was originally filed and we believe it is time to start the process before the proper government agency, the FERC.

REINSTITUTING A MORATORIUM WOULD BE UNFAIR

Having raised no objection when the river was initially mandated for evaluation and having sat patiently for three years after President Carter's recommendation, we believe it would be manifestly unjust to the applicants to now impose an additional year of delay. In talking about those who would be adversely affected by such extra delay, it should be noted that the three years of delay occasioned by the presidential recommendation increased the cost of the project from $660 million to $860 million according to estimates prepared by our consultant R. W. Beck & Company. Beck advises us that an additional year of delay would add an additional $64 million to the estimated cost of the project. These costs are of course ultimately going to be borne by the users of the water and the electricity that would be generated if the project is constructed. We believe that it is time to get on with the study and that it would be grossly unfair if we are not permitted to do so.

The spirit and letter of the Wild and Scenic Rivers Act makes it clear that no moratorium should exceed three years and clearly there is a basic logic and rationality in Congress having imposed such a requirement upon itself. Three years is an ample and even generous time within which to act and was deemed so when the Wild and Scenic Rivers Act was enacted in 1968.

Northern California is one of those areas in the United States that is projected to experience electric power shortages in the next few years. Additionally, the water supply for Tuolumne County is approaching the time when it will be inadequate. To the extent that there is a delay of a year in a project that would alleviate these two potential problems, that delay is ill-advised and could be costly to our people.

It has been suggested that during the extra year of moratorium, competing hydro sites could all be evaluated and thus the year would not be a lost year. Unfortunately this is not the case. Unless we receive a preliminary permit, there is no way that we can make the studies and do the exploratory work necessary to a careful evaluation of this project.

As suggested above, there is always the possibility that either the applicants will conclude that the project is not feasible or perhaps the FERC may so conclude. If that is the case, it is better that this be known as early as possible so that the applicants can meet their power needs by exploring other options. Once again, a year's delay in knowing the answer, is clearly detrimental and, as stated above, totally unnecessary.

OPPOSITION TO DESIGNATION AS WILD AND SCENIC

Although we are here as representatives of the TID, we would like to submit for the record of the Subcommittee's hearing a number of statements by organizations in California who have expressed their opposition to the river being designated wild and scenic and to any reinstitution of a moratorium. We willingly concede that there are some legitimate organizations which believe designation would be a good idea and that no project should be constructed. Surely they are entitled to have their views considered and we believe that the FERC is the appropriate body to do so. Those organizations who have indicated their opposition to any additional delay include the Tuolumne County Board of Supervisors which passed resolutions last August and again this month stating that they are unanimously opposed to any further delay in considering the project. (A copy of the resolution is attached to this statement.) Additionally the California AFL-CIO, the California Farm Bureau, the California Chamber of Commerce, and a host of other organizations have expressed their opposition and we request that statements by those organizations appear in the Committee record following our presentation.

FACTORS SUPPORTING THE ISSUANCE OF A PRELIMINARY PERMIT FOR THE CLAVEY-WARD'S FERRY PROJECT

Although the bills before the Subcommittee deal with reimposing a moratorium, it is appropriate to consider the reasons for seeking a preliminary permit to enable the applicants to determine the feasibility of the project and to provide FERC with the data necessary for its deliberations and decision. In our view, the following factors argue strongly for going forward:

Electric power needs--Northern California continues to be one of those areas in the nation where it is anticipated that power requirements will be inadequate to meet projected load requirements. A preliminary permit for the project would only afford the opportunity to determine whether a project is physically feasible and to determine how it can best be constructed and utilized. Clearly the proposed 400 megawatt capacity of the project would aid in meeting California needs.

Difficulties in building alternative generating facilities--During the three-year moratorium, we have witnessed as a nation increasing difficulty in being able to site and construct both nuclear and fossil fuel plants in the United States. Especially is that true in California and, if the project warranted a preliminary permit and examination in 1979, it is far more essential in 1982 that this attractive option be thoroughly explored.

Advantages of hydro-electric power--Even if the other modes of generation had not experienced increasing opposition by the public, hydro power is by far the most desirable means of generating electricity for the following reasons: (a) it is the only pollution-free means of generation; (b) it is the most economical method, a consideration that is increasing in importance as the costs of generation rise sharply in nuclear and fossil fueled plants; and (c) hydro plants have a superior record of reliable and dependable operation unlike many nuclear and fossil plants.

Employment Opportunities--Because of the character of hydro facility construction, approval of a project and its construction would generate thousands of jobs during the construction phase. This obviously is a factor to be taken into account in terms of the desire to put the economy back on its feet. But of even greater long-term significance is the need for electrical energy for economic growth. Improved efficiency in the use of energy has and will reduce new generating requirements, but as noted above, northern California will surely require the capacity of the proposed hydro projects and a great deal more if its economy is to expand and flourish.

Recreational Opportunities--One of the charges leveled by opponents of hydro development is that the recreational benefits of the river would be sacrificed. In a sense, this claim really turns the issue upside-down. On the basis of work done by outside recognized recreational consultants, it has been demonstrated that although some white water rafting opportunities would be lost or diminished by the construction of a hydro project on the Tuolumne, far greater recreational benefits for a much larger number of people would be available by creating a reservoir operated to accommodate recreational activities. Further, the river would be more accessible and would be enjoyed by a much greater number of people, as distinguished from the relative handful of individuals who are now able to enjoy the river. It may be worth noting that without the existence of the Hetch Hetchy Dam in Yosemite National Park, there would be no opportunities for white water rafting at all.

CONCLUSION

Mr. Chairman, again let me express our appreciation for the opportunity to bring our views to the Subcommittee. As I believe is quite evident, the matter is one of enormous significance to our region and one that has generated a great amount of controversy. In our view, it is time to have these issues laid before an appropriate body where they can be carefully evaluated and we look forward to that with enthusiasm. We are confident our project is well conceived and that it will meet the needs of the people of our area. Thank you.

TUOLUMNE COUNTY
ADMINISTRATION CENTER
2 SOUTH GREEN STREET
SONORA, CALIFORNIA 95370

PHONE (209) 533-5521

FTR

ROBERT W. ANDRE
COUNTY CLERK

RUBY HAWORTH
BOARD CLERK

BOARD OF SUPERVISORS
COUNTY OF TUOLUMNE

1982 DEC -6 AM 10:44

MILDRED FILIBERTI, *First District*   SIDNEY H. HATLER, *Second District*   BILLY H. MARR, *Third District*

CLYDE W. MAY, *Fourth District*   WILLIAM C. DAVIDSON, *Fifth District*

December 1, 1982

The enclosed Resolution is being forwarded to you at the direction of the Board of Supervisors of Tuolumne County, State of California, who adopted the Resolution by unanimous vote on November 30, 1982.

Ruby Haworth
Board Clerk

Filed November 30, 1982
Robert W. André, Clerk
By
DEPUTY CLERK

No. 300-82

RESOLUTION

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF TUOLUMNE

WHEREAS, on August 5, 1982, Senator Hayakawa introduced a Bill in the United States Senate which would extend the restriction of Water Resource Programs on the Tuolumne River for one year; and

WHEREAS, by Resolution No. 205-82 on August 17, 1982, this Board strongly opposed any effort to delay the decision on the use of the Tuolumne River; and

WHEREAS, this Board has consistently opposed the inclusion of the Tuolumne River in the Wild and Scenic System, as evidenced by three previous resolutions; and

WHEREAS, the City and County of San Francisco has recently asked Senators Hayakawa and Cranston and the rest of the congressional delegation representing said City to sponsor legislation in the upcoming final session of the 97th Congress, extending the interim Wild and Scenic protection on the Tuolumne River for three years; and

WHEREAS, the Congress has already had a study in progress for at least six years; and

WHEREAS, in all this time there has been no significant indication that the Tuolumne River should be included in the Wild and Scenic designation; and

WHEREAS, a three year moratorium on development of certain sections of the Tuolumne River expired on October 2, 1982; and

WHEREAS, the County of Tuolumne is currently engaged in studies to build projects so as to secure water and power very badly needed by the citizens of the County, recognizing that such projects would be built only after extensive studies show that they are economically and environmentally sound undertakings.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of Tuolumne hereby reiterates its strong opposition to any further extension of the Wild and Scenic designation study for the Tuolumne River and hereby urges the County's congressional representatives not to permit any prolonging of the moratorium which expired on October 2, 1982, since any such action would further delay the development of environmentally sound projects which are being proposed by Tuolumne County and which are in the best interest of the County's residents.

BE IT FURTHER RESOLVED that copies of this Resolution be forwarded to President Reagan, this County's Federal Representatives, to the Secretaries of the U.S. Department of the Interior and U.S. Department of Agriculture, to the Forest Supervisor of the Stanislaus National Forest, to the Bureau of Outdoor Recreation, to the National Park Service, to Congressional Committee on Energy and Natural Resources, the Sub-Committee on Public Lands and Reserved Waters, Congressman Norman Shumway, Mark O. Hatfield and to other agencies or organizations as may be hereinafter be directed.

HE FOREGOING RESOLUTION PASSED AND ADOPTED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF TUOLUMNE
ALIFORNIA, ON THIS 30th DAY OF November, 1982

AYES: Supervisor 1st District Mildred Filiberti
Supervisor 2nd District
Supervisor 3rd District
Supervisor 4th District Clyde W. May
Supervisor 5th District

NOES: Supervisor Dist. None
Supervisor Dist.
Supervisor Dist.

ABSENT: Supervisor Dist. None
Supervisor Dist.

Clyde W. May
CHAIRMAN OF THE BOARD OF SUPERVISORS
COUNTY OF TUOLUMNE, STATE OF CALIFORNIA

TTEST: Robert W. André, Clerk
Y
Deputy Clerk

California AFL-CIO News

Official Publication of The California Labor Federation, AFL-CIO

Vol. 25—No. 49

December 17, 1982

State Fed Opposes Development Halt Along Tuolumne

The Executive Council, California Labor Federation, at its December 7-8 meeting in San Francisco formally reaffirmed its opposition to inclusion of the Tuolumne River in the federal Wild and Scenic River system on the grounds that it would retard needed development of energy sources, thus causing increased unemployment in California.

Subsequently, Jack Henning, executive officer of the State

(Continued on Page 2)

State Fed Opposes Development Halt Along Tuolumne

(Continued from Page 1)

AFL-CIO, wired Senator Alan Cranston (D-Cal.) calling on him to oppose any congressional move to designate up to 92 miles of the river as "wild and scenic."

"Such federal action," he said, "would permanently bar further hydroelectric development such as the proposed Clavey - Wards Ferry Project on that section of the river.

"The Federation also urges your opposition to any extension of the moratorium on development of the Tuolumne River. California's 1.3 million unemployed workers need action to develop jobs — not a moratorium."

Mr. [illegible]

California Chamber of Commerce • 1027 10th St. • P.O. Box 1736 • Sacramento, CA 95808 • (916) 444-6670

December 2, 1982

The Honorable Malcolm Wallop, Chairman
Senate Subcommittee on Public Lands
and Reserved Water
United States Senate
Washington, D.C. 20510

Re: S. 2811 and H.R. 6819

Dear Senator Wallop:

The California Chamber of Commerce opposes inclusion of an 82-mile segment of the Tuolumne River in the National Wild and Scenic Rivers System. We also oppose any further moratorium prohibiting the issuance of licenses for hydroelectric power development on the reach of the river included in the Clavey-Wards Ferry project.

This power development, and related new water supply, is of extreme importance to the Turlock and Modesto Irrigation Districts, and the City and County of San Francisco. Existing power facilities are already inadequate to meet projected load requirements in Northern California. Therefore, this facility is of more than local importance.

When the stretch of the Tuolumne River between Yosemite National Park and Don Pedro Reservoir was recommended for wild river study, development was automatically prohibited for a period of three years. That three-year delay in construction of the Clavey-Wards Ferry project has already added about $200 million to the cost. The additional one-year delay proposed by S. 2811 would add another $64 million to the cost. In the three years since the original recommendation for designation, we understand no study of the Tuolumne has been undertaken. Until the Federal Energy Regulatory Commission issues a preliminary permit, no meaningful studies can be conducted. An additional one-year extension will serve no purpose except to impose an unnecessary and expensive burden.

We respectfully urge that the Tuolumne River between Yosemite National Park and the Don Pedro Reservoir not be added to the National Wild and Scenic Rivers System as proposed by H.R. 6819, and that the moratorium on development that expired October 2, 1982, not be extended as proposed by S. 2811.

Sincerely,

Larry Kiml

Larry Kiml, Manager
Resources Group

LK:et
Similar letters sent to Hon. James A. McClure,
Hon. Henry M. Jackson, and all members of the
Senate Subcommittee on Public Lands & Reserved Water
CC: Mr. Pietro A. Bevinetto

CALIFORNIA MUNICIPAL
UTILITIES ASSOCIATION

1211 K STREET, SUITE 101 • SACRAMENTO, CALIFORNIA 95814 • (916) 441-1733

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Sacramento

E. A. SKINNER
Los Angeles

December 7, 1983

RECEIVED
DEC 8 1982

The Honorable Malcolm Wallop, Chairman
Senate Subcommittee on Public Lands
204 Russell Senate Office Building
Washington, D.C. 20510

Dear Senator Wallop:

The Turlock Irrigation District and the Modesto Irrigation District have proposed the Clavey-Wards Ferry Project on the Tuolomne River which could add 400 megawatts of electricity and 11,000 acre feet of water to California's resources. Those additions are much needed.

The project has already been delayed for six years while being studied by the Carter Administration and Congress for inclusion in the Wild and Scenic Rivers System. On October 2, 1979 President Carter recommended an 82 mile section of river containing the Clavey-Wards Ferry Project for inclusion in the Wild and Scenic Rivers System which resulted in a three year moritorium on the project. We now understand that in spite of Congress's failure to approve President Carter's recommendations there may be efforts to further extend the moritorium on hydroelectric development on this section of the River.

We believe that the issue has been adequately studied and California's need for additional renewable energy supplies and additional water make it very important to allow the Clavey-Wards Ferry project to proceed through the approval process. We urge that you do not support any efforts to further delay the normal flow of decision making.

Sincerely,

Jerry Jordan

Jerry Jordan

JJ:ael

Same Letter to all members of Subcommittee on Public Lands and Reserved Water.

bc: Ernie Geddes

Agricultural Council of California
REPRESENTING FARMER COOPERATIVES
SINCE 1919

December 6, 1982

The Honorable Mark Hatfield
U.S. Senate
3104 Dirksen Senate Office Building
Washington, D.C. 20510

RE: Senate Sub Committee on Public Land and
Reserved Water Hearing on Tolumne River

Dear Senator Hatfield:

The Agricultural Council of California respectfully requests that a moratorium not be extended to study the question of whether or not the Tolumne River should be included in the Wild River System.

Those in favor have had adequate time to present their evidence. We oppose any action which would delay the use of this river for energy badly needed by California's citizens.

Cordially,

Leland H Ruth

Leland H. Ruth
Executive Vice President

LHR/ed

bcc: Ms. Olive Lewis
937 Market Street, Suite 201
San Francisco, CA 94103

P.O. Box 1712 (1211 H Street) — SACRAMENTO, CALIFORNIA 95806 — PHONE (916) 443-4887

TUOLUMNE COUNTY FARM BUREAU
~~[illegible]~~
SONORA, CALIFORNIA 95370
19515B Village Drive

August 19, 1982

The Honorable S.I. Hayakawa
United States Senate
Washington, D.C. 20510

Dear Senator Hayakawa:

To put it mildly, the Tuolumne County Farm Bureau was appalled when you introduced S.B. 2811 relating to the Tuolumne River. Only the week before we had been in contact with House members concerning H.R. 6819 introduced by Congressman Dellums proposing to make the river "wild and scenic", to express our opposition. It had been our belief that you were of political persuasion such that we would not expect you to introduce a bill of this sort.

The Tuolumne River has been studied. A study completed in 1967 by the Interior and Agricultural departments stated that the river did not meet the criteria for "wild and scenic" status. The river is controlled by O"Shaughnessy Dam. Oldtimers say that before the dam was constructed, the river sometimes even went dry in the summer. There has been development for years along the river. True - it s beautiful and is enjoyed by many fisherman, hunters, and commercial rafting companies, but this is certainly not a basis for determining a river's status.

Then only this week we learned from the "Congressional Record" that in your introductory remarks on the bill that you stated that Tuolumne County favored a "wild and scenic" status. Our Board of Supervisors are on record, unanimously against such a designation. In a local election this past June - a measure which was introduced by local supporters of a "wild and scenic" status for the river, which would have required the local officials to oppose any water or power projects by outside agencies on the Tuolumne River, was defeated by the electorate. You are mistaken in your belief regarding local opinions.

We do not support wholesale destruction of the river, but reasonable development. The national forests "multiple-use" development policies should be applicable. Locally, we need water and we need less expensive power. Last winter electrical bills between $500 and $1000 per month were not uncommon. The river has been under study for three years; that is enough time.

We trust that you will more thoroughly investigate this issue before you proceed with the bill.

Sincerely,

TUOLUMNE COUNTY FARM BUREAU

Nancy Rosasco
County Secretary

cc: Senator Alan Cranston
Congressman Norman Shumway
Congressman Eugene Chappie
Members of Public Lands & Reserve Water Subcommittee

JAMES S. LEE
PRESIDENT

JERRY CREMINS
SECRETARY-TREASURER

State Building and Construction Trades Council
of California

Chartered by
BUILDING AND CONSTRUCTION TRADES
DEPARTMENT
of the
AFL - CIO

SEND REPLY TO:
921 - 11TH STREET
SUITE 701
SACRAMENTO, CA 95814
PHONE 443-3302

December 8, 1982

Statement Submitted To: Senate Sub-committee on Public Lands & Reserved Water

Respectfully Submitted By: James S. Lee, President
California State Building and Construction Trades Council
921 - 11th Street
Sacramento, California 95814

Gentlemen:

As President of the California State Building and Construction Trades Council, I represent 360,000 union members throughout the state. I wish to express my strong opposition to any extension of the moratorium on the Tuolumne River. In 1979, the Carter Administration moved to designate an 82-mile stretch of the Tuolumne as a "wild and scenic" river. As a result, a three year ban on ALL development on the river was imposed. The intent of the moratorium was to give Congress time to study the matter. During the course of the three years the Congress has made no specific determinations about the Tuolumne. The present legislative moves to extend the moratorium would serve no useful purpose and put off, once again, exploration of possible hydroelectric and water projects. The people of California and certainly the 360,000 Californians I represent would be ill served by postponing consideration of developments on the river.

The proposed Clavey-Wards Ferry Project is worthy of consideration, as it could do much to alleviate the water problems of Tuolumne County. It also would produce 400 Megawatts (800 million annual kilowatt hours) of electricity and provide much needed jobs for our foundering economy. The Federal Energy Regulatory Commission's licensing process is thorough and would provide ample time for all individuals and groups interested in the Tuolumne to make their positions known. It makes no sense to me to further delay consideration of this project when the need is well known and the energy production method is clean and renewable.

The future of the Tuolumne should be one of protecting its recreational and natural qualities within the context of balanced development to meet the water, energy, employment and agricultural needs of the state. I join Congressman Norman Shumway of Tuolumne County and the Tuolumne County Board of Supervisors in urging an end to the moratorium.

CALIFORNIA STATE COUNCIL OF CARPENTERS
UNITED BROTHERHOOD OF CARPENTERS AND JOINERS OF AMERICA
995 MARKET STREET, SUITE 1416 • SAN FRANCISCO, CALIFORNIA 94103 • PHONE 781-0866

ANTHONY L. RAMOS, Executive Sec'y-Treas.
ROBERT J. HANNA, President
LARRY W. NULL, Vice-President

December 9, 1982

Honorable Mark O. Hatfield, Member
Senate Subcommittee on Public Lands & Reserved Water
United States Senate
Senate Office Building
Washington, D.C. 20510

Dear Senator Hatfield:

As Executive Secretary-Treasurer of the California State Council of Carpenters, I represent 100,000 members throughout the State. On behalf of the members, I wish to express my opposition to any extension of the moratorium on the Tuolumne River.

It is not in the interests of California working men and women, many of whom are already unemployed, and of the many others who are facing the specter of decreased work, to have the few potential opportunities for employment further delayed. Procedures under which new hydroelectric projects are approved by the Federal Energy Regulatory Commission ensure that all interested in the welfare of the river will have significant opportunity to have their views known and considered by the Commission.

Congress has had three years to act in regard to the Tuolumne River. We do not know whether the proposed Clavey-Wards Ferry project is viable. We will never be permitted to know if Congress extends the moratorium again. We do know that, in an era when our energy options are being foreclosed by resistance to new nuclear plants, off-shore oil drilling, coal mining and other more traditional and dependable forms of energy generation, our options on the Tuolumne River should not be foreclosed or further delayed.

The California State Council of Carpenters respectfully requests that the Congress and this Committee in particular, reject any legislative effort to extend the moratorium on the Tuolumne River.

Very truly yours,

Anthony L. Ramos
Executive Sec'y-Treas.

ALR:bk

ope 3 afl-cio (154)

Operating Engineers Local Union No. 3
OF THE
INTERNATIONAL UNION OF OPERATING ENGINEERS
AFFILIATED WITH THE AFL-CIO

Jurisdiction:
Northern California, Northern Nevada,
Utah, Hawaii and Mid Pacific Islands

Telephone 431-1568
474 Valencia Street
San Francisco, California 94103

December 8, 1982

Mr. Roy Greenaway
Senator Alan Cranston
New Senate Office Building
Washington, D.C. 20510

Dear Mr. Greenaway:

Enclosed is a copy of a telegram sent by the Operating Engineers recently to members of the Senate Subcommittee on Public Lands and Reserved Water.

I am sending this to you so that the Senator will be aware that this issue is of vital importance to the building trades and organized labor.

We would appreciate your concern in this matter.

Sincerely,

John McMahon

ADDITIONAL INFORMATION CONTACT:

12/7/82

Mailgram (delivered tomorrow) to all on the attached list:

The Senate Subcommittee on Public Lands and Reserved Water will hold hearings on December 9th to consider the inclusion of California's Tuolumne River in the federal Wild and Scenic Rivers System. On behalf of over 33,000 Local 3 members, I urge you to oppose this proposal.

The Turlock and Modesto Irrigation Districts are attempting to develop a portion of this river, through the Clavey-Wards Ferry Water project, into a non-polluting, renewable energy producing dam and reservoir. Classifying the river as Wild and Scenic would kill this vitally needed energy project, as well as eliminate possible employment for hundreds of out of work building tradesmen.

The need for domestic energy independence is as important today as it was during the most recent energy crisis. It is for that reason that we are opposed to the inclusion of the Tuolumne River in the Wild and Scenic Rivers system and would consider extension of the moratorium another costly delay in providing pollution free, low cost energy to consumers.

T. J. Stapleton,
Business Manager
Operating Engineers Local Union No. 3
474 Valencia Street
San Francisco CA 94103

opeiu 3 afl-cio(3)mk

San Francisco Labor Council AFL-CIO

1855 FOLSOM STREET
SAN FRANCISCO, CALIF. 94103
(415) 863-7011

PRESIDENT
TIMOTHY TWOMEY
Hospital & Institutional Workers No. 250

VICE PRESIDENT
PAUL DEMPSTER
Sailors' Union of the Pacific

Send All Communications to
SECRETARY-TREASURER
JOHN F. CROWLEY

•

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Butchers' Union No. 115
JOSEPH SHARPE
Retail Clerks Union No. 648

•

TRUSTEES
BERT BOTTA
Hotel & Restauran
Employees & Bartenders No. 2
JAMES CROSS
United Telegraph Workers No. 34
JOSEPH TROVATO
Electrical Workers No. 6

•

Executive Committee meets each Wednesday at 10 a.m.

Labor Council meets the second and fourth Monday at 7 p.m., Apostleship of the Sea Fremont & Harrison Streets

December 9, 1982

Following telegram sent to: Hon. Alan Cranston
United States Senate
Senate Office Building
Washington, D. C. 20510

Hon. Phillip Burton
House of Representative
House Office Building
Washington, D. C. 20515

THE SAN FRANCISCO LABOR COUNCIL, ALONG WITH THE CALIFORNIA LABOR FEDERATION, AFL-CIO, REITERATES ITS POSITION RELATIVE TO THE TUOLUMNE RIVER INCLUSION IN THE FEDERAL WILD AND SCENIC RIVERS SYSTEM.

WE HAVE OBJECTED TO THE INCLUSION OF THIS WATER PASSAGE BECAUSE OF THE POSSIBILITY OF ITS FUTURE NEEDS FOR DEVELOPMENT OF POWER TO THE SAN FRANCISCO HETCH HETCHY SYSTEM.

IT IS OUR UNDERSTANDING THAT SENATOR HAYAKAWA HAS AMENDED THE BURTON BILL FOR THE INCLUSION OF THE TUOLUMNE RIVER IN THE WILD AND SCENIC RIVER SYSTEM. WE STRONGLY OBJECT TO THIS INCLUSION AND URGE YOUR DEFEAT OF ANY SUCH AMENDMENT.

(Signed) JOHN F. CROWLEY, SECRETARY
SAN FRANCISCO LABOR COUNCIL

Copies sent to Senate Subcommittee on Public Lands and Reserved Water:

Senators Mark O. Hatfield
James A. McClure
Malcolm Wallop
Henry M. Jackson
Dale L. Bumpers

Senators John W. Warner
Frank H. Murkowski
Pete V. Domenici
Howard M. Metzenbaum
Spark M. Matsunaga
John Melcher

Pietro A. Bevinetto, Staff Member

JFC:rh
ope/3

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Sacramento Municipal Utility District
Sacramento, California
ROBERT C. YOUNG
Burlington, Vermont

November 23, 1982

The Honorable Malcolm Wallop
U. S. Senate
204 Russell Senate Office Building
Washington, D. C. 20510

Dear Senator Wallop:

We understand that an effort might be made during the post-election Congressional session to extend the moratorium on any development on the Tuolumne River in Northern California to give Congress additional time to review a recommendation by President Carter that this river be included in the "wild and scenic river" category. The American Public Power Association, the national service organization representing over 1,750 local public power systems throughout the country, urges you to oppose such an effort.

The Turlock Irrigation District is anxious to pursue plans to construct a hydroelectric facility on the Tuolumne River. The three-year moratorium on development which followed automatically from President Carter's recommendation that the river be designated has already increased projected construction costs by $200 million. An additional delay of one year would add $64 million to the cost of the project.

I am enclosing a fact sheet prepared by Turlock Irrigation District setting forth sound reasons why additional delay is unwarranted. Should the issue arise prior to sine die adjournment, I hope you will give careful consideration to these arguments. I believe you will find them most persuasive.

Sincerely,

Alex Radin
Executive Director

AR/mb

Enclosure

November 5, 1982

THE "WILD AND SCENIC" MORATORIUM ON DEVELOPMENT ON THE TUOLUMNE RIVER SHOULDNOT BE EXTENDED

INTRODUCTION

On October 2, 1979, President Carter sent a message to Congress recommending that an 82-mile segment of the Tuolumne River be designated "wild and scenic" under the provisions of the Wild and Scenic Rivers Act. That Presidential recommendation automatically triggered a provision of the Act which prohibited any development or the issuance of licenses for hydroelectric power development on the river segment for three years to permit Congressional review and action. On the same date, President Carter also recommended "wild and scenic" designation for 18 other river segments in various parts of the country.

Under the terms of the Act, the moratorium against any development and issuing of licenses shall "not exceed three years". Accordingly, on October 2, 1982, the moratorium expired. During the three years, no final action was taken by Congress on any of the rivers recommended for designation in October 1979. However, in 1980 a bill (H.R. 8096) was reported by the House Committee on Interior and Insular Affairs and approved by the House of Representatives which, if enacted, would have designated a number of river segments to be "wild and scenic", but the Tuolumne was not included.

In July of this year, Congressman Dellums introduced H.R. 6819 which would designate the Tuolumne as "wild and scenic". In August, Senator Hayakawa introduced S.2811 which would extend for another entire year the moratorium imposed by the Wild and Scenic Rivers Act. Hearings have not been held on either of these bills. It is clear from a letter sent to the Federal Energy Regulatory Commission by Senators Cranston and Hayakawa on September 30 that an effort will be made during the post-election session of the 97th Congress to consider either S.2811 or an amendment to some other bill which would extend the moratorium on hydro development on the Tuolumne River. Additionally, there are reports that a bill or amendment to a bill may be introduced which would extend the moratorium on all of the projects that were submitted by President Carter on October 2, 1979, but which were not acted upon.

The purpose of this memorandum is to bring this matter to the attention of Committee and Subcommittee members and staff and to set forth the facts and reasoning that argue against extending the moratorium on the Tuolumne. On the merits, Turlock Irrigation District (TID) believes it should not have been recommended by President Carter for "wild and scenic" designation and that Congress should not so designate the river. From a legislative procedure point of view, TID believes it would be grossly unfair to its customers (who are also the owners of TID) to be asked to wait another year or any other period of time to proceed to explore the feasibility of the proposed Clavey-Ward's Ferry Project for which TID, the Modesto Irrigation District and the City and County of San Francisco are applicants. At the very least, hearings should be held before any such action is contemplated.

LEGISLATIVE PROCEDURAL DUE PROCESS

In assessing the wisdom and the fairness of acting during the post-election session on any legislative proposal which would extend the moratorium on the Tuolumne, the following factors should be considered:

1. The letter and spirit of the Wild & Scenic Rivers Act--The Act was designed to afford Congress an ample and even generous time within which to consider recommendations by the President. As the language indicates, the moratorium "shall not exceed three years". Obviously, Congress can enact any kind of moratorium it wishes to , but common fairness and adherence to a reasonable schedule suggests that such action is inappropriate, particularly in light of the arguments against designation made elsewhere in this memorandum and which were offered during the hearings held by the House Subcommittee on Public Lands and National Parks.

2. The consequences of delay--It was stated by Senator Hayakawa in his statement submitted for the Congressional Record, upon introducing S.2811, that an additional year's delay would have no major consequences. Unfortunately, that is not accurate. The consultant for the project advises that the cost of construction increased over $200 million during the three-year delay and a reasonable estimate of extra cost for an additional year's delay is $64 million. No form of compensation exists to reimburse the customers of TID who will have to bear the extra burden of higher energy costs if the project is ultimately constructed. Senator Hayakawa was also incorrect in stating that the year's extension could be used to compare other proposals for hydro development on the Tuolumne and develop economic analyses. So long as the FERC does not issue a preliminary permit to the applicants, no meaningful studies can be conducted.

3. Separation of the Tuolumne from the consideration of other rivers--So far as is known, of all river segments recommended by President Carter in 1979, only the Tuolumne designation has been vigorously challenged; we believe the others (or at least most of them) are free of controversy and could be designated without difficulty. We urge, therefore, that if any legislative action is considered during the post-election session, the Congressional delegations of the states where the river segments are

located, be consulted to determine whether there is any controversy or difficulty in extending the moratorium. Each river segment recommended for designation by President Carter was the subject of a separate bill and each should be treated separately in any extension, not en masse.

4. Federal ownership of lands surrounding the Tuolumne--Those lands are owned by the federal government, under the jurisdiction of either the Bureau of Land Management, the Forest Service or the Park Service. The only exceptions are a group of small scattered sites, totalling 149 acres, which are in private ownership as a result of mineral patents. The basic purpose of the Wild & Scenic Rivers Act is to provide protection where it is not otherwise available against unwarranted development. With respect to the Tuolumne, clearly this is not the case.

5. The highly controversial character of the Tuolumne--The Sierra Club and many other environmental groups believe that the river should be designated "Wild & Scenic". There are, however, a whole range of interests which are equally strong in their views that the river should not be designated. The Tuolumne County Board of Supervisors adopted a resolution urging that the river not be designated following the June, 1982 referendum in which the proposition for designation was soundly defeated in the election. Additionally, the California Chamber of Commerce, the California Farm Bureau, the California Labor Federation, AFL-CIO, and a broad range of other interests are on record in opposition to any designation. In light of this controversy, it would be, in our view, highly inappropriate to casually tack on an additional moratorium against development on the river, particularly in light of the fact mentioned above that the land is in federal ownership.

6. Absolute necessity for hearings if there is to be legislative action--The controversial character of the Tuolumne recommendation surely argues for hearings and an opportunity to understand what is involved in any effort to alter the clear language and philosophy of the Wild & Scenic Rivers Act.

7. Adequate protection of all environmental and other interests in the licensing procedure--The Federal Energy Regulatory Commission has not issued a preliminary permit to the applicants to enable them to make the necessary studies to determine the feasibility of the project proposed initially in 1976. A number of parties including environmental groups have intervened in the proceeding and will have every opportunity to argue before the Administrative Law Judge and before the Commission itself the merits of the project and any conditions to be included in the license. Thus, there is ample opportunity for any issues to be fully argued and debated if, after the preliminary permit is issued and the necessary studies have been made, the applicants decide to seek a license for the construction of the facilities.

RATIONALE FOR NOT DESIGNATING THE TUOLUMNE AS "WILD AND SCENIC"

1. Lack of unanimity within Carter Administration in its 1979 evaluation--The formal submittal to President Carter was by Secretary of Interior Andrus, but the record discloses that the Department of Agriculture, acting on recommendation of the Forest Service, did not share the view that the particular river segment had any special characteristics that warranted its being designated "wild and scenic". In fact, when the Tuolumne was initially proposed to be studied by the Executive Branch in 1976, the Forest Service and the Department of Agriculture advised Congress that it did not qualify to be studied for "wild and scenic" status. Moreover, the message from President Carter to Congress indicated the division within the Administration in its final sentence: "Should any other pertinent information become available however, which would call for a different recommendation, I shall transmit a revised proposal to you along with the completed study." Our information is that a White House staff person in the Carter Administration simply ran rough-shod over Departmental concerns as the deadline for submitting the package approached in 1979.

2. Electric power needs--Northern California continues to be one of those areas in the nation where it is anticipated that power requirements will be inadequate to meet projected load requirements. Clearly the proposed 400 megawatt capacity of the project would aid in meeting California needs.

3. Difficulties in building other modes of generating electricity--During the three-year moratorium, increasing difficulty has been experienced in siting and constructing both nuclear and fossil fuel plants throughout the United States. Especially is that true in California; if the project warranted a preliminary permit and examination in 1979, it is even more essential in 1982 that this attractive option be thoroughly explored.

4. Advantages of hydro-electric power--Even if the other modes of generation had not experienced increasing opposition by the public, hydro power is by far the most desirable means of generating electricity for the following reasons: (a) it is the only pollution-free means of generation; (b) it is the most economical method, a consideration that is increasing in importance as the costs of generation rise sharply in nuclear and fossil fueled plants; and (c) hydro plants have a superior record of reliable and dependable operation unlike many nuclear and fossil plants.

5. Additional domestic water supply--Development of the proposed 400 megawatt Clavey-Ward's Ferry Project would also provide 11,900 acre feet of new water annually. This water could be used in water-short Tuolumne County which is expected to outgrow its existing domestic supply within the next ten years. The 3.9 billion gallons of new water could support a population of approximately 25,000.

6. Broad public opposition to designation--As noted above, there is solid opposition from state and local groups including the rejection of a referendum last June by the voters of Tuolumne County which called for "keeping the Tuolumne River as it is."

7. Adequate protection without designation--As mentioned earlier, the basic purpose of the Act is to provide protection to river segments where there is no other protection against undesirable development. The Tuolumne is not a suitable river for the Wild and Senic River System because of the federal control of the surrounding property. As the House Committee Report referred to above stated in deleting river segments proposed for study within the Olympic National Park, "This is in accordance with the general past policy of not studying or designating river segments on land which are already subject to legal protections equal to or greater than that which would be afforded by a wild and scenic river designation. The wild and scenic rivers system is principally designated to protect meritorious river segments for which no other protective mechanism is as practical or available." (H. Rep. 96-1359).

8. Recreational Opportunities--One of the charges leveled by opponents of hydro development is that the recreationsl benefits of the river would be sacrificed. In a sense, this claim really turns the issue upside-down. On the basis of work done by outside recognized recreational consultants, it has been demonstrated that although some white water rafting opportunities would be lost or diminished by the construction of a hydro project on the Tuolumne, far greater recreational benefits for a much larger number of people would be created by operating the reservoir in accordance with the recreational proposal. Further, the river would be more accessible and would be enjoyed by a much greater number of people, as distinguished from the relative handful of individuals who are now able to enjoy the river. It may be worth noting that without the existence of the Hetch Hetchy Dam in Yosemite National Park, there would be no opportunities for white water rafting at all.

9. Employment Opportunities--Because of the character of hydro facility construction, approval of a project and its construction would generate many hundreds of jobs during the construction phase. This obviously is a factor to be taken into account in terms of the desire to put the economy back on its feet. But of even greater long-term significance is the need for electrical energy for economic growth. Improved efficiency in the use of energy has and will reduce new generating requirements, but as noted above, northern California will surely require the capacity of the proposed hydro project and a great deal more if its economy is to expand and flourish.

10. House failure to act--In 1980 the House Subcommittee on Public Lands and National Parks held hearings on proposed additions to the Wild and Scenic River System and heard testimony both

favoring and opposing designation for the Tuolumne. The bill reported by the full Committee and passed by the House in September 1980 did not include the Tuolumne. Clearly that fact, when coupled with the language of the Act which states that the moratorium on development activity on a river proposed for designation "shall not exceed three years", indicates that a Committee with primary jurisdiction over the subject was rejecting the recommendation that the Tuolumne be designated.

CONCLUSION

The Tuolumne should never have been recommended for "wild and scenic" designation and any effort to re-new the moratorium that expired October 2, 1982, should be defeated.

Any questions may be referred to Ernest Geddes, General Manager of the Turlock Irrigation District, Turlock, California (209/632-3861) or TID's Washington Counsel, Lee White (202/659-2900). Copies of documents referred to in this memorandum will be made available upon request.

California Farm Bureau Federation
1601 Exposition Boulevard • Sacramento, CA 95815 • Telephone (916) 924-4000

December 7, 1982

Ms. Olive Lewis
Solem and Associates
973 Market St. Suite 201
San Francisco, California 94103

Dear Ms. Lewis:

Since I have the responsibility of handling the National Affairs program of the California Farm Bureau Federation, Mr. Robert Simpson, our Secretary and Treasurer, has asked that I respond to your letter of November 29, 1982 on the Tuolumne River Moratorium.

The California Farm Bureau Federation has been following the developments (or lack of same) on the Tuolumne River for some time. We opposed the moratorium when it was introduced by Senator Hayakawa and have to the American Farm Bureau Federation indicated our opposition to any extension of the moratorium should such an amendment be introduced during the "lame duck" session of Congress.

We have been assured by the American Farm Bureau staff that this matter will be followed and we will be informed immediately of attempts to introduce amendments to extend the moratorium. Be assured that we have been, and are still, opposed to tying up development on the Tuolumne and will so indicate to our senators.

Thank you for informing us of your interest in this matter.

Sincerely,

RUSSELL D. RICHARDS
Assistant to the President

RDR:rm

[illegible], President · [illegible], Vice President · [illegible], Sec. Treas. · Thomas S. Clarke, Business Manager

Executive Board
J. [illegible] · John [illegible] · [illegible] · A. [illegible] · Board of Trustees · R. [illegible] · C. D. [illegible]
Sergeant-at-Arms, W. J. [illegible]

Northern California District Council of Laborers

Affiliated with the

Laborers' International Union of North America • American Federation of Labor-CIO, Building and Metal Trades Departments

1900 POWELL STREET • SUITE 365 • 655-2462 • EMERYVILLE, CALIFORNIA 94608

December 21, 1982

TO: Senate Subcommittee on Public Lands and Reserved Water

RE: Clavey-Wards Ferry Project on the Tuolumne River

Gentlemen:

Please take into consideration that the officers and delegates of the Northern California District Council of Laborers firmly oppose inclusion of the river in the Wild and Scenic Rivers System and consider the extension of the moratorium another costly delay in providing pollution free, low cost energy to consumers. It is expected that Congress will take up this matter after reconvening in December, and we request your support in our opposition. Congress has not taken affirmative action of this matter. It is understood that some Senators have decided to extend the moratorium and thus further delay development of a vitally needed, non-polluting, renewable, energy producing project. We believe that this is unfair and discriminatory.

Inflation has continued to escalate costs. Further delay ultimately means higher energy costs for consumers. Additionally, although energy supplies seem plentiful at the present time, the need for domestic energy independence is as important today as it was during the most recent energy crisis. The Clavey-Wards Ferry project would be an important addition to our domestic energy bank.

Very truly yours,

Thomas S. Clarke

Thomas S. Clarke
Business Manager

TSC:sm

cc: All Construction Laborers Unions in Northern California
Solem and Associates

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California Council for
Environmental and
Economic Balance
215 Market St., Suite 1311 • San Francisco, CA 94105 • (415) 495-1008

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CHAIRMAN EMERITUS

December 10, 1982

The Honorable Senator Mark Hatfield
The United States Senate
Washington D.C. 20510

Dear Senator Hatfield:

The California Council for Environmental and Economic Balance is an organization composed of a broad cross section of the state's labor, business, industrial and community leaders. Our Board of Directors includes spokespersons for minority communities, education and environmentalists, in addition to civic, business, labor and industrial leaders. The primary focus of the council is to work for economic stability and growth in California within the context of improved and enhanced environmental standards and safeguards.

We are convinced that any further delay in studying the feasibility of water conservation and hydroelectric power generation on the Tuolumne River would serve no defined environmental goals and would block possible solution of some of the state's water and energy problems. Congress has had ample time during the recently expired three year moratorium to consider classification of the river. To delay exploration of proposed projects on the Tuolumne would be unfair and discriminatory. The time has come to examine the full range of alternatives, environmental and economic.

That California is faced with difficult economic times and still plagued with unsolved energy and water problems is undeniable. The proposed Clavey-Wards Ferry project may have the potential to provide needed water in Tuolumne County and be a source for relatively inexpensive energy. It is a proposal which deserves thorough examination an a full and fair hearing.

We ask the committee and the Congress to avoid unjustified delay through an extension of the moratorium and to rule out the alternative of placing the Tuolumne River within the "wild and scenic" rivers system.

Sincerely,

Michael R. Peevey
President

MRP:gp

cc: The Honorable Alan Cranston

✓bcc: D. Solem

WESTERN DAIRYMEN'S ASSOCIATION

1210 Third Street ■ Atwater, California 95301 ■ Telephone 209-357-2880

December 13, 1982

The Honorable Alan Cranston
United States Senate
Senate Office Building
Washington, D. C. 20510

Dear Senator Cranston:

At a meeting of Western Dairymen's Association Board of Directors held Friday, December 10, 1982, the Board voted unanimously to oppose the inclusion of the Tuolumne River in the Wild and Scenic Rivers system. Also included in the action was opposition to extension of the moratorium which would only result in another costly delay in providing pollution free, low cost energy to consumers.

On behalf of the 890 members of Western Dairymen's Association who are dairymen in the state of California, and particularily those who are directly affected by this matter we urge you to give immediate consideration to our request.

Respectfully,

Joe Branco

Joseph F. Branco
General Manager

JFB:imf

Senator WALLOP. I do not recall which of the three previous panels said that there was a major disagreement between the parties' interest in development of the river as to which form that development would take.

Can you define or describe that in any way?

Mr. GEDDES. They've had what is referred to as the Clavey-Ward's Ferry project proposed since 1975 when we applied for the preliminary permit in 1976. Since that time there has been a number of other projects that have been proposed, especially on tributaries of the Tuolumne and these are small projects that really 10 years ago probably weren't as cost effective because of the ultimate prices of oil.

All of them are compatible. There are maybe two or three projects that conflict, but these are minor conflicts. I think part of the role we as the irrigation district supply both irrigation, water and electricity, we have a pressing need for an electrical supply. We buy from outside sources over half of our energy right now. The city of San Francisco is not in the power supply business. They are looking at some other projects and maybe looking at them from a different viewpoint. There are a number of projects that are feasible on this river.

Senator WALLOP. Is there a struggle over water rights?

Mr. GEDDES. No, not to my knowledge. Here again, I may say we will have to go to the State water rights board in California to get permits for water rights.

Senator WALLOP. That strikes me as logical. I had thought there could be no other answer to that question. The electric power needs, is it your basic testimony that there is a market for that additional power now, or is that an anticipatory——

Mr. GEDDES. Right now the Modesto and Turlock Irrigation Districts could use the power that would be supplied by this project if it was on line today. We are growing. We happen to be an area of California that people like more than others, but we are in a power deficit today and rely on basically Pacific Gas & Electric Co. for oil-fired power to meet our needs.

I would love to have the project from my standpoint. It would be a benefit to my constituents.

Senator WALLOP. Is there any way to resolve the conflicts between the various users with regard to the river floating and the development that you seek?

Mr. GEDDES. I would say, and from what brief feasibility study we've done, we feel that we can develop a better recreational program for the river with the project, more access to people, and more use and accessibility. There is no question Mr. Linford I believe who represents the rafting and the commercial rafting aspect of the Tuolumne River would be impaired. It would be replaced with the—the amateur could use it more than the professional the way it is now. There's no way to leave the commercial rafting business and develop the project. I'd say that's quite clear.

Senator WALLOP. I apologize. I didn't see that this panel continued on the other side. Is Mr. Will here? I didn't see that you were included as part of this panel. I apologize. I will be happy to hear your testimony now.

STATEMENT OF ROBERT P. WILL, WASHINGTON COUNSEL, ASSOCIATION OF CALIFORNIA WATER AGENCIES

Mr. Will. Thank you, Mr. Chairman. I am Robert Will. I represent the Association of California Water Agencies. You have a copy of my statement I believe, and I would make just a few brief comments.

We do oppose both S. 2811 and that provision in S. 3060 which provides for the year extension.

As an association of water users throughout the State of California we look at our future water resources and the power needs in order to move that water around the State.

Our State department of finance projects that the California population increase between now and the turn of the century will be in the range of 5 to 6 million people. Probably 70 percent of that will be young children who will grow up in the State of California itself.

We have some very serious water and power needs in the State. California is basically a power deficient State. We are looking at power resources in many other States such as the inner-mountain project in Utah and the State department of water resources which testified before you here just a few minutes ago itself they had to go to the State of Nevada in order to get enough power to maintain the California State water project.

So we believe that the potential of developing an additional 400 megawatts of capacity in the stream system is important to us. The additional water developed, we think, will also help to serve some growing needs as Mr. Geddes mentioned. He has a popular area where growth is increasing and water needs are increasing, but that's common throughout the State.

I'd like to also just comment briefly on what we think is the fairness of this bill. You mentioned earlier it's been a recommendation in previous administrations, laying before Congress for 3 years. Congress sets many time limits for many different types of activities. We think that in view of our California congressional delegation there are many advocates of wild rivers and have worked on them in the past. The State administration has been strongly in support of wild rivers, and we believe that a 3-year time limit is enough time for people to come in and ask for and actively promote some congressional activity in this regard.

This has been now sitting before Congress a total of 6 years, and we think that a further extension would be unfair to the water agencies and the power needs of the people in the State of California.

We, therefore, recommend that the bill be opposed.

[The prepared statement of Mr. Will follows:]

STATEMENT OF THE
ASSOCIATION OF CALIFORNIA WATER AGENCIES
on S. 2811 and S. 3060
REGARDING THE TUOLUMNE RIVER
to the
SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER
COMMITTEE ON ENERGY AND NATURAL RESOURCES
UNITED STATES SENATE

December 14, 1982

The Association of California Water Agencies is an association of municipal water departments and public water supply districts who furnish more than 90 percent of the surface waters within California for municipal, industrial, and agricultural use. The objective of the association is to support the sound management and development of the State's limited water supplies to meet our increasing demands.

California water suppliers are faced with increasing demands for adequate and assurred water resource development projects for homes, business, and agriculture as our population increases and places added burdens on our existing projects. Growth projections developed by the State indicate that we will have to serve the needs of 5 to 6 million additional people by the turn of the century, only 18 years away. Further, getting this water to users makes the water industry the largest user of electric power within the State. Limitations on our ability to meet these public needs prevents sound, orderly development, consistent with the State's traditional role of responsibility for the management of its water resources free from Federal interference and constraints.

Of equal importance is added consumer costs imposed by delay in construction of the facilities necessary to meet this need. While inflation has slowed, construction costs continue to climb and local water agencies are having increasing trouble financing needed projects.

The Tuolumne was designated a study river in 1979 under the Wild and Scenic River Act, and the 3-year moratorium on development imposed by the act expired October 2, 1982.

This designation suspended action by the Federal Energy Regulatory Commission on applications for preliminary permits filed by the Turlock and Modesto Irrigation Districts for a hydroelectric development project called Clavey-Wards Ferry. This moratorium has already escalated project costs by $200 million, and each additional year of delay is expected to add $64 million to costs. The City of San Francisco also has underway major studies of new water and power development on the Tuolumne, and has filed an application for a preliminary permit.

The Turlock and Modesto applications were filed in 1976 and any further delay in their undertaking preliminary exploration on their project would be manifestly unfair to these public agencies and the people they serve.

Congress and the Administration have made strong efforts to reduce bureaucratic red tape and delays in Federal programs which impact State and local governments, an area that has frustrated public officials and added costs to the public which they serve. Adding another year's delay to the 6 already encountered by Turlock and Modesto Irrigation Districts since they filed for a preliminary permit with FERC is hardly fair. The concerned Federal agencies and Congress have had adequate time as provided by the Wild and Scenic River Act, and we do not believe that an extension on the Tuolumne River is justified.

We urge your opposition to an extension of time as set forth in S. 2811 for the Tuolumne River.

Senator **Wallop**. Mr. Will, is the municipal water supply or urban water supply, or suburban water supply of Tuolumne County short now?

Mr. **Will**. I think Mr. Geddes and Mr. Short might be able to respond.

Mr. **Geddes**. Yes, it is. The project is right now unless new water is developed, they will not meet their needs for the next 10 years. They are meeting the needs right now in Tuolumne County, but it's a touch and go situation.

Senator **Wallop**. Has there been any rationing? A couple of years ago it was pretty dry.

Mr. **Geddes**. During our drought years, yes, there was rationing.

Senator **Wallop**. I appreciate your testimony, gentlemen.

We have one final witness on both bills, Mr. Christopher Brown, conservation director, American Rivers Conservation Council.

STATEMENT OF CHRISTOPHER BROWN, CONSERVATION DIRECTOR, AMERICAN RIVERS CONSERVATION COUNCIL

Mr. **Brown**. Mr. Chairman, I am pleased to be here today to speak in favor of S. 3060, a bill to amend section 7(b) of the National Wild and Scenic Rivers Act. This bill would simply allow Congress to complete a task it has begun on a number of rivers; deciding whether to include them in the National Wild and Scenic Rivers System.

I represent today the membership of the American Rivers Conservation Council, a broad-based group of citizens across the country who have worked hard for 10 years to preserve America's finest rivers. We take great satisfaction in the growth of the National Wild and Scenic River System over this decade as well as growing efforts in river conservation at State and local levels.

I am also here on behalf of National Audubon Society, the Wilderness Society, Environmental Policy Center, Friends of the Earth, and Sierra Club, organizations whose combined membership is over 900,000. These organizations, encompassing a wide range of environmental concerns, take a special interest in free-flowing streams and strongly support S. 3060.

I have submitted a number of pages of testimony. I think what I will do is summarize the key points. Quite a number of them we've already gone over. Most of the discussion today has been on the Tuolumne River. As you know, there are 10 other rivers in S. 3060 which need to be considered.

I appreciate the way the hearings today have focused on the bill itself and have not gone too much into discussing whether or not these rivers should be part of the National Wild and Scenic Rivers System. We think that should be discussed, but in full hearings on that.

We also want to focus the hearings today on the bill itself and not on policy changes in the Wild and Scenic Rivers Act. Those may also be necessary, but again would require full adherence.

The purpose of S. 3060, as several people have stated, is simply to be sure that these rivers receive a fair hearing. The previous witness talked about administrative procedures that would be helpful to FERC which would give consideration to the Tuolumne River and whether the Tuolumne should, in fact, be a wild and scenic river, or have the dam projects built.

It's our feeling that FERC is not the appropriate place for such a hearing. In fact, the forum for discussion on the fate of the Tuolumne River and these other rivers should be congressional hearings. We would strongly urge that that be the place that this occurs.

I would also point out in response to several questions that you've asked that our bill, S. 3060, has 50 cosponsors in the Senate. Your colleagues who apparently feel that despite the lapse of the 3 years that, in fact, more time is needed to consider these rivers. They, without exception, feel an urgency about considering whether these rivers should be added to the Wild and Scenic Rivers System.

Finally, I would say that there is a considerable amount of uncertainty generated by the lack of action by Congress on these rivers. I think in people's minds many of these rivers still are wild and scenic study rivers, and they want to know what's going to happen and they are expecting some kind of activity from Congress to see some kind of final decision reached.

I guess I particularly hate to think that congressional inaction would be a signal to FERC that Congress doesn't have interest in protecting wild and scenic rivers anymore. I'm not sure that all 11 of these rivers in this bill will ever be added to the Wild and Scenic Rivers System, but quite a number of them in my opinion are worth candidates for the Wild and Scenic Rivers System. I would like to think that Congress is going to be the place where we make that decision rather than a FERC hearing.

We would be working—the American Rivers Council would be working very hard right at the beginning of the next session to be sure that bills are introduced on these rivers, and that we would schedule prompt hearings.

As you know, the Reagan administration has submitted the rivers bill in September that includes eight rivers for designation. We would want to add these 11 rivers as consideration to part of that bill.

That's all I'll say right now. I'll be glad to answer any questions. I would ask that a few documents I have be accepted as part of the record.

[The prepared statement of Mr. Brown follows:]

TESTIMONY OF CHRISTOPHER N. BROWN

CONSERVATION DIRECTOR, AMERICAN RIVERS CONSERVATION COUNCIL

BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER OF THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES

DECEMBER 12, 1982

Mr. Chairman, I am pleased to be here today to speak in favor of S. 3060, a bill to amend Section 7(b) of the National Wild and Scenic Rivers Act. This bill would simply allow Congress to complete a task it has begun on a number of rivers: deciding whether to include them in the National Wild and Scenic Rivers System.

I represent today the membership of the American Rivers Conservation Council, a broad-based group of citizens across the country who have worked hard for 10 years to preserve America's finest rivers. We take great satisfaction in the growth of the National Wild and Scenic River System over this decade as well as growing efforts in river conservation at state and local levels.

I am also here on behalf of National Audubon Society, the Wilderness Society, Environmental Policy Center, Friends of the Earth, and Sierra Club, organizations whose combined membership is over 900,000. These organizations, encompassing a wide range of environmental concerns, take a special interest in free-flowing streams and strongly support S. 3060.

The purpose of S. 3060 is to renew Congressional commitment to seeing through its decisions on Wild and Scenic River studies. Begun at various times in the mid-1970's, these studies were forwarded to Congress in 1978 and 1979. The Wild and Scenic Rivers Act provides special protections for study rivers from water resources development for a period of up to three years after study reports are completed and submitted to Congress by the President. For nine of the rivers, those protections expired on October 2 of this year; for two, it was somewhat earlier.

S. 3060 would extend the protected status of 10 rivers for an additional 3 years and one, the Tuolumne, for one year only. The need for the extension reflects the extraordinarily hectic Congressional schedule of the last 3 years and would give Congress additional time to act on these rivers without their outstanding values being lost.

But there is also a special urgency to the passage of this bill. On 6 of the 11 rivers in the bill, developments pose significant threats to the values which would qualilfy these rivers as Wild and Scenic. Proposals include 3 hydroelectric generating facilities, one planned riverside strip mine operation, one waste disposal site, and one flood control impoundment. The other five could well face similar problems in the near future.

Of the 11 rivers, not all are destined to become part of the national scenic rivers system. State and local protection has been recommended on 6 of them and non-federal initiatives to achieve protection are underway on several. For example, on the Upper Mississippi River in Minnesota, the citizens of 8 counties have joined to form the Mississippi Headwaters Board. Working with local jurisdictions and landowners, the Board is achieving considerable success protecting the river environment through zoning and landowner agreements.

What is important is that the federal government act in support of such local initiatives. I can testify that on the Upper Mississippi, Youghiogheny, Shepaug, and Housatonic, the local citizenry and agency personnel are strongly supportive of a brief extension of federal protection on their rivers to help keep their conservation efforts underway during the critical early stages of formulation of protection plans. The unanimous support of the Senators from these states of S. 3060 confirms the local interest.

Other rivers in S. 3060 are, we hope, destined to become part of the National Wild and Scenic River System. Pine Creek in Pennsylvania provides outstanding fishing in its feeder creeks and a highly scenic tumble through its spectacular gorge, sometimes referred to as the "Grand Canyon of the East." The Owyhee River is majestic as it cuts a deep,wandering path through volcanic layers in Oregon's high desert. The Wisconsin River in its 91-mile study stretch provides a lazy broad reach of sand bars and clear water for family recreation in southwestern Wisconsin. And the Tuolumne River provides a multiplicity of benefits to the citizens of California.

Looking at the spectrum of rivers and landscapes across America, these are among the rivers particularly deserving of preservation as part of our national river heritage. Once again, extension of these interim study protections have nearly unanimous support of the Senators from the states involved.

But we are not here today to discuss the merits of these rivers or to make nominations for the Wild and Scenic Rivers System. We are here simply to decide whether these merits should be given a full Congressional hearing in the next Congress with interim assurances that the rivers will remain in their current high-quality, free-flowing condition.

The American Rivers Conservation Council feels most strongly that the fate of these rivers should not be decided by Congressional default. During the busy legislative calendar since these river studies were submitted to Congress, no hearings have been held to consider their inclusion in the national system. Yet all have been found worthy of national recognition.

The American Rivers Conservation Council asks that as soon as possible in the next session of Congress, the various values that these rivers can provide to the nation be openly and honestly discussed, and that Congress meet its responsibility for making the decision on each river.

Indeed, I believe that until Congress takes some definite action, the status of the study rivers remains clouded. In peoples' minds these rivers are still "Wild and Scenic study rivers" and will remain so until Congress moves on them. However, it is far from clear whether these rivers' protections would continue in the context of legal or court-related actions to protect them.

We have supported a three-year extension for 10 of the rivers to give Congress ample time for hearings. On the Tuolumne River, because of the pressing proposals for development, we have favored a shorter extension in hopes that this would be interpreted by Congress as an indication of the urgency of making a decision on this particular river. We feel, at the same time, that all relevant information should be presented before hearings are held on the Tuolumne and that a greater-than-one-year extension may be in order.

The purpose of S. 3060 is to formalize the defacto study status that continues on these rivers and at the same time signal Congress's intention to make a final decision on each of these rivers. We will urge prompt hearings in the 98th Congress on these rivers as well as changes in the policy provisions of the Wild and Scenic Rivers Act. Our purpose today is simply to pave the way for those broader hearings.

I hope this Committee will give S. 3060 a favorable recommendation and that the Chairman will join with Senator Hatfield to shepherd this legislation and insure its final passage prior to adjournment of Congress.

Senator **Wallop**. I appreciate your testimony. I would say that I believe that the congressional inaction may as well be much as attributable to inaction on the part of the American Rivers Council and other groups like it. I've just been trying to determine how many of these rivers have had any kind of formal legislation. Some were attached as a part of a last minute batch that came over from the House in another 11th hour thing.

Mr. **Brown**. In terms of having bills introduced, there have been bills introduced. The Illinois River in Oregon was passed in the House and came over to the Senate, and I believe it's passed in the Senate but I believe there are some differences in the conference language.

Senator **Wallop**. I'm not saying uniformly on that list, but clearly a number of rivers on S. 3060 have not attracted the attention of their congressional delegations to the extent there is even a reasonable push. I don't know how many hearings we've held in the subcommittee but it's a significant number. We really try to accommodate almost anybody who has made any squeak at all. That is at least part of it.

Mr. **Brown**. I understand that. My own feeling is there's been, just around this question of extensions, there's been a considerable amount of interest generated. I think that a number of the representatives didn't realize that time was running out. In fact, some of the developments have just begun to be proposed as the study period has run out, and that makes the urgency of this bill clearer to everyone.

Senator **Wallop**. Do you have any problem with the testimony of the administration with regards to sections 7, 8, and 9 having only 1-year extension?

Mr. **Brown**. I'm familiar with those. I couldn't say for sure at this point. We are unprepared to comment on that 1-year extension.

Senator **Wallop**. You better be prepared to comment if you want your comment considered. This train has got about one car left.

Mr. **Brown**. I think we would be prepared very shortly, for example by tomorrow morning to discuss that.

Senator **Wallop**. I appreciate you taking time to be here, and I appreciate the time of everybody who has come here. It's increasingly clear to me that there are conflicts in all of these measures which are not easily resolved, and certainly not to be resolved in the 11th hour which I think is the fault of the proponents of this legislation rather than the opponents who did not know they would have to oppose anything until the 1st of December. It's tough when you don't know something is going to happen. You think that the progress of events is what you have been promised it would be, to suddenly find at the end of it there is a push to yet extend it.

I do not blame opponents for feeling put upon when you have this late hour initiative. I guess they shouldn't expect otherwise, but I would hope the judgments wouldn't be particularly heavy on them for the kinds of opposition that they are raising.

I thank you all. The subcommittee stands adjourned.

[Whereupon, at 4:20 p.m., the hearing adjourned.]

APPENDIX

Additional Material Submitted for the Record

Testimony for Senator Specter
on S. 3060

Mr. Chairman, I appreciate the opportunity to appear before your subcommittee on behalf of Senator Hatfield's rivers bill, S.3060, which I have co-sponsored. The bill would extend study protections on two rivers in my state. Pine Creek, in north-central Pennsylvania, flows through steep, forested valleys, portions of which are known as "the Grand Canyon of Pennsylvania."

The other river is the Youghiogheny, which is extensively used for fishing, rafting and whitewater boating. The most popular six-mile stretch receives an estimated 155,000 visitors per year from private concessionaires alone. People come from all over the country to use this river, supporting a substantial tourist industry in the Laurel Highlands. It is a beautiful river, noted for its lush vegetation and swiftly-flowing waters.

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S. 3060 does not designate these, and the nine others included in it, as Wild and Scenic Rivers, but simply extends the study protection period for three years. This extension would allow each river to receive a hearing, enabling Congress to decide on its future uses. The Youghiogheny and Pine Creek deserve no less.

NORMAN D. SHUMWAY
14TH DISTRICT, CALIFORNIA

COMMITTEES:
COMMITTEE ON BANKING, FINANCE, AND URBAN AFFAIRS
MERCHANT MARINE AND FISHERIES
SELECT COMMITTEE ON AGING

Congress of the United States
House of Representatives
Washington, D.C. 20515

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CHRISTOPHER C. SEEGER
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STOCKTON, CALIFORNIA 95202
(209) 464-7612
LOIS SAHYOUN
DISTRICT COORDINATOR

December 14, 1982

FYR

The Honorable Malcolm Wallop
Chairman, Subcommittee on Public Lands and Reserved Water
3204 Dirksen
Washington, D.C.

Dear Mr. Chairman:

It is my understanding that your Subcommittee is holding hearings today on S. 2811, a bill which would extend the Wild and Scenic study moratorium on the Tuolumne River for one year. I am strongly against the passage of this bill and am writing to urge your opposition to this legislation. I would respectfully request that you include these comments as part of your hearing record on this subject.

As the elected Representative of the Tuolumne River area in question, I have become well acquainted with this issue. My position has always been that the Federal Energy Regulatory Commission's licensing process is one that affords ample opportunity for all sides to be heard and accounted for in any proposed water resource development project. There is no reason to circumvent this process by indiscriminately banning all further river development as would be required by Wild and Scenic status. The Tuolumne County Board of Supervisors supports this position and have formally stated their adamant opposition to the bill introduced by Senators Hayakawa and Cranston.

Mr. Chairman, I would hope that you will oppose all attempts to attach this bill as an amendment to any legislation under consideration on the Senate floor.

Your favorable attention to this request would be most appreciated. With best regards,

Sincerely,

Norman D. Shumway
NORMAN D. SHUMWAY
Member of Congress

NDS:jb

To Protect the Tuolumne River
S. 2811 and S. 3060

Testimony By
Norman Y. Mineta, M.C.

U.S. Senate Subcommittee on
Public Lands and Reserved Waters
3110 Dirksen Building

MR. CHAIRMAN, I AM DELIGHTED TO HAVE THE OPPORTUNITY TO APPEAR HERE TODAY ON BEHALF OF S. 2811, SENATOR HAYAKAWA'S BILL TO EXTEND FOR ONE YEAR THE MORATORIUM ON DEVELOPMENT ALONG THE TUOLUMNE RIVER. TO THE EXTENT THAT S. 3060 ALSO PROTECTS THE TUOLUMNE, I ENDORSE THAT LEGISLATION AS WELL.

IT IS ABSOLUTELY VITAL THAT WE ACT QUICKLY TO EXTEND THE CURRENT MORATORIUM. THE REMAINING 27 MILES OF UNDEVELOPED RIVERWAY ARE A UNIQUE AND PRECIOUS RESOURCE THAT WE CAN NOT AFFORD TO LOSE THROUGH INATTENTION OR FAILURE TO ACT IN A TIMELY WAY.

IDEALLY, WE CAN USE THE NEXT YEAR TO FIND A SOLUTION THAT SATISFIES ALL INTERESTED PARTIES. I CERTAINLY HOPE THAT THE YEAR WILL BE USED IN SEARCH OF SUCH A RESOLUTION.

AS THE SUBCOMMITTEE MAY KNOW, ONE FACILITY ALONG THE RIVER THAT I AM PARTICULARLY CONCERNED WITH IS THE SAN JOSE FAMILY CAMP. SHOULD THE HARDIN FLAT PROJECT PROCEED AS ENVISIONED IN THE ORGINAL APPLICATION, I AM TOLD THAT 60 PER CENT OF THE WATER RUNNING THROUGH THIS IMPORTANT SITE WOULD BE LOST.

THE SAN JOSE FAMILY CAMP WAS PURCHASED BY THE CITY IN 1968. I WAS A MEMBER OF THE SAN JOSE CITY COUNCIL AT THAT TIME. OVER THE YEARS THE CITY HAS MADE CONSIDERABLE INVESTMENTS IN THIS CAMP, WHICH NOW HAS A CAPITAL VALUE OF ABOUT ONE MILLION DOLLARS.

SURELY WE CAN WAIT ONE YEAR AND PUT OUR BEST EFFORTS TOGETHER TO PROTECT THE SAN JOSE FAMILY CAMP, AS WELL AS THE OTHER FACILITIES ALONG THE RIVER SUCH AS THE CITY OF BERKELEY'S CAMP.

FURTHERMORE, I AM TOLD THAT THE BOARD OF SUPERVISORS OF SAN FRANCISCO ALSO SUPPORT SUCH A MORATORIUM.

I URGE THIS SUBCOMMITTEE TO PROCEED WITH THE LEGISLATION AS EXPEDITIOUSLY AS POSSIBLE.

THANK YOU VERY MUCH.

DEC. 27, 1982 FJR

720 WASHOE
SUSANVILLE CA 96130

1983 JAN -3 AM

HON. MALCOLM WALLOP, CHAIRMAN
SUBCOMMITTEE ON PUBLIC LANDS
AND RESERVED WATER
3204 DIRKSEN SENATE OFFICE BLDG.
WASHINGTON, D.C. 20510

RE: S. 1584 (CRANSTON)
H.R. 4083 (BURTON)

DEAR SENATOR WALLOP:

FOR THE HEARING RECORD, ALLOW ME TO STRONGLY SUPPORT THE ABOVE CALIFORNIA WILDERNESS BILLS. CALIFORNIA, WITH 10% OF OUR NATION'S POPULATION AND HEAVY VISITATION BY OUTDOORS-USERS FROM ACROSS THE COUNTRY, NEEDS MORE WILDERNESS. WE WILL NEED EVEN MORE IN THE FUTURE AS POPULATIONS INCREASE. YET WILDERNESS IS A NON-RENEWABLE RESOURCE. THEY'RE NOT MAKING ANY MORE. SO ESSENTIALLY, WHAT WE SET ASIDE NOW WILL HAVE TO SERVE FOR A VERY LONG TIME.

MOST EXISTING WILDERNESS IN CALIFORNIA NATIONAL FORESTS IS "ROCK AND ICE," AND MUCH IS SADLY OVERUSED. IT DOES NOT SEEM UNREASONABLE TO ADD SOME PRIME EXAMPLES OF TIMBERED LAND. NEW WILDERNESS WILL BE ONE OF THE BEST CURES FOR OVERUSE BECAUSE IT WILL BETTER DISTRIBUTE THE USE.

LOGGING HAS SHOWN ITSELF TO BE A UNRELIABLE EMPLOYER IN NORTHERN CALIFORNIA. THE AREA IS EVOLVING TOWARD INCREASED INCOME FROM RECREATION. AN ACRE ALLOCATED TO WILDERNESS MAY PROVE A BETTER INVESTMENT

THAN THAT ACRE LOGGED. SECONDLY, MANY OF THE ROADLESS AREAS IN THE BILLS ARE MARGINALLY TIMBERED. AND ALL OF THEM ARE REMOTE AND ROADLESS. ROADING COSTS WOULD BE SUBSTANTIALLY HIGHER THAN AVERAGE, AND NET TIMBER YIELDS LOW. IN MY OPINION, THE ROADLESS AREAS, INCLUDING THE FEW TIMBERED ONES, WOULD BE MORE VALUED AS WILDERNESS. THIRDLY, THE SALMON FISHERIES ASSOCIATED WITH AREAS ON THE SIX RIVERS, KLAMATH, MENDOCINO AND SHASTA TRINITY NATIONAL FOREST ARE SUBSTANTIAL. LOGGING IN THESE AREAS INEVITABLY WILL IMPAIR ANADROMOUS FISHERIES, AND RELATED EMPLOYMENT. WILDERNESS DESIGNATION IS ONE OF THE BEST WAYS TO PROTECT THESE SIGNIFICANT VALUES.

I HAVE ENJOYED BACKPACKING THE FEW SMALL WILDERNESS AREAS IN NORTHEASTERN CALIFORNIA FOR SIX YEARS NOW. I AM FAMILIAR WITH SEVERAL OF THE ROADLESS AREAS IN THE BURTON BILL. THEY HAVE TREMENDOUS WILDERNESS VALUES NOW, WHICH WILL INCREASE WITH TIME. I AM DISTRESSED BY THIS ADMINISTRATIONS IMBALANCED APPROACH TO POTENTIAL WILDERNESS VALUES — NOT ONCE DOES THE ASSISTANT SECRETARY'S DEC. 15, 1982 TESTIMONY TO YOU MENTION THEM. I HOPE YOU WILL RECOGNIZE THEM. THEY ARE SUBSTANTIAL, AND MERIT YOUR PROTECTION AS IN S. 1584 AND H.R 4083. THEY SHOULD BE APPROVED, WITHOUT ADDING "SUFFICIENCY" LANGUAGE OR BANNING FUTURE WILDERNESS CONSIDERATION. SINCERELY, Curtis Spalding

Louisiana-Pacific Corporation

Sonora Division
(Fibreboard Corporation, a wholly-owned subsidiary)

P.O. Box 218
Standard, California 95373
209/532-7141

December 9, 1982

Mr. Pietro A. Bevinetto, Staff member
Senate Subcommittee on Public Lands and Reserved Water
United States Senate
Senate Office Building
Washington, D.C. 20510

Dear Mr. Bevinetto:

It is our understanding that the three-year moratorium on development on the Tuolumne River which ended this last October is to be extended. We oppose not only this extension, but also the reason for implementing it; namely, the inclusion of the Tuolumne River in the Wild and Scenic Rivers System (WSRS).

Under the original moratorium, Congress was given three years in which to act affirmatively in regards to including the Tuolumne in the WSRS. This was a more than generous amount of time for Congress to make a decision and apparently they made one, i.e. there was not enough public legislative action. We hope that you recognize that Congress has already spoken regarding the Tuolumne.

We encourage you to oppose any extension of the now elapsed moratorium and would like you to be cognizant of the fact that we are definitely opposed to the inclusion of the Tuolumne River in the Wild and Scenic River System.

Thank you for your consideration of our views.

Sincerely,

Chris Conrad

Christopher J. Conrad
Forester

CJC/mc

CALIFORNIA ASSOCIATION OF 4WD CLUBS INC.

5831 Rosebud Lane, Unit M-1
Sacramento, CA 95841
(916) 338-4540

1982 D

December 21, 1982

The Honorable Malcolm Wallop, Chairman
Senate Subcommittee on Public Lands & Reserved Water
Senate Office Building
Washington, D. C. 20510

Dear Senator Wallop,

Please enter into the record our strongest opposition to Senator Cranston's bill S-1584 which was heard by your committee on December 15, 1982.

In the past, we have fully supported the Forest Service's Rare II program and their resulting recommendations to the wilderness system in California. However, we are now opposed to any more additions to the wilderness system whatsoever, until more satisfactory sufficiency and release language can be enacted.

The problems created by the recent court decision upholding the California v/s Bergland lawsuit decision needs to be completely resolved prior to the enactment of any more wilderness, not only in California, but other affected states as well. We have a great deal of problems and concerns with S-1584 because it proposes large amounts of forest lands for wilderness, where the Rare II program relegated these same lands to further planning and non-wilderness categories. If the recent Federal court decision has ruled the Rare II program to be at fault, then the entire findings of this analysis should be considered defective, at least until such time, either the Forest Service or the Congress clarifies or validates this subject.

A close review of S-1584 shows considerable disparity between the Rare II recommendations and the proposed wilderness measure. Only 1.2 million acres of the total 2.2 million acres involved this legislation were rated as suitable for wilderness. A remaining 600,000 acres are in the further planning category and 468,00 more acres are in the non-wilderness classificiation. Truly, this measure is subject to question just as much, if not more than the Rare II program itself.

How can the public place any integrity in the actions of Congress, if there is no integrity in their legislation or principles? How can the Forest Service properly perform their assigned responsibilities, if the Congress fails to untie their hands and overrides their established procedures and direction? It is a very frustrating situation, one that needs to be thoroughly discussed and resolved, possibly through a Congressional oversight hearing. In the meantime, we recommend no further action be taken on this measure.

Sincerely,

Ed Dunkley,
Administrator

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a non-profit corporation

1127 11th street, #305 sacramento, ca. 95814 • (916) 441-4545 • garvin h. white, president
• raymond r. rummonds, vice president • john p. fraser, executive director and general counsel

December 10, 1982

Hon. Malcolm Wallop
United States Senate
Washington, D. C. 20510

Dear Senator Wallop:

Senator S. I. Hayakawa has introduced S. 2811, a bill to restrict water and power development on the Toulumne River, California, for one year. Senator Mark Hatfield has also included the Tuolumne in his Wild River bill, S. 3060. The Tuolumne was designated a study river in 1979 under the Wild and Scenic River Act, and the three-year moratorium on development imposed by the act expired on October 2, 1982.

This designation suspended action by the Federal Energy Regulatory Commission on applications for preliminary permits filed by the Turlock and Modesto Irrigation Districts for a hydroelectric development project called Clavey-Wards Ferry. This moratorium has already escalated project costs by $200 million, and each additional year of delay is expected to add $64 million to costs. The City of San Francisco also has underway major studies of new water and power development on the Tuolumne, and has filed an application for a preliminary permit.

The Turlock and Modesto applications were filed in 1976 and any further delay in their undertaking preliminary exploration on their project would be manifestly unfair to these public agencies and the people they serve.

Neither bill has been the subject of hearings in either Senate or House Committees. Opposition to the bill is not limited to just the two districts, but includes the County of Tuolumne where the project is located, the California Chamber of Commerce, and the California Farm Bureau, among others. We believe it important that the views of all those with interests in the bill be before the members before they act.

In addition, the House member in whose district the project lies, Rep. Norman Shumway, is opposed to the bill, and action on it this late in the session could deny him the opportunity to express his views.

At a time when efforts are being made to reduce bureaucratic red tape and delays, adding another year to the six already encountered since they filed with FERC is hardly fair. Permitting FERC to issue a preliminary permit will not impact any wild or scenic values of the river, but will save the agencies approximately $64 million in added project costs due to the year extension. Should Congress wish to consider wild river status in the next session when all parties can be heard under less hurried circumstances, opponents of the bill can more fully explain their concerns.

We urge your opposition to the bill.

Sincerely yours,

RPWill

Robert P. Will
Washington Counsel
955 L'Enfant Plaza, S. W.
Washington, D. C. 20024

PRESIDENT

PUBLIC UTILITIES COMMISSION
STATE OF CALIFORNIA
SAN FRANCISCO 94102

December 14, 1982

United States Senate
Committee on Energy and
  Natural Resources
Public Lands Subcommittee
3106 Dirksen
Senate Office Building
Washington, D.C. 20510

Dear Sirs:

S.2811, which you will consider today, has my wholehearted support.

The issue before you is not whether the Tuolumne River should be included in the Wild and Scenic Rivers System. Instead it is whether the public lands and waters of the Tuolumne should be appropriated without Congressional oversight.

The Tuolumne River is a valuable resource, providing California with incomparable recreation and with major supplies of electricity and water. As the state's population grows, so will the importance of the river. Without the extended moratorium which this measure would provide, at least five hydroelectric developers would race to obtain regulatory approval for their differing plans to harness the remaining flow of the river. Careful planning would be impossible at that point. By contrast, during the moratorium, Congress could exercize its unique authority to weigh the merits of competing demands, including development and designation as a Wild and Scenic River, and then establish a just balance.

Sincerely,

JOHN E. BRYSON
President

TUOLUMNE COUNTY
ADMINISTRATION CENTER
2 SOUTH GREEN STREET
SONORA, CALIFORNIA 95370

PHONE (209) 533-5521

BOARD OF SUPERVISORS
COUNTY OF TUOLUMNE

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COUNTY CLERK

RUBY HAWORTH
BOARD CLERK

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SIDNEY H. HATLER, *Second District*
BILLY H. MARR, *Third District*
CLYDE W. MAY, *Fourth District*
WILLIAM C. DAVIDSON, *Fifth District*

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December 10, 1982

Honorable Malcolm Wallop
Dirkson Senate Office Building
Room 3106
Washington, D. C. 20513

Dear Senator Wallop:

On December 5, 1982, on behalf of the County of Tuolumne, I sent you a mailgram, copy enclosed, urging you to oppose an effort to extend the moratorium on development of the Tuolumne River, as proposed through Senate Bill 2811 by Senator Hayakawa.

I would like to reiterate our strong opposition to such an effort. Further, I am asking that our mailgram of December 5, 1982, be made a part of the record of the hearing on the matter scheduled for December 14, 1982.

Thank you for your consideration and assistance.

Sincerely yours,

Clyde W. May

Clyde W. May, Chairman
Board of Supervisors
County of Tuolumne

RE: TUOLUMNE RIVER WILD & SCENIC DESIGNATION

Senate Bill 2811, being considered by the Senate includes a provision that a moratorium on development of the Tuolumne River be extended for one year. The Tuolumne County Board of Supervisors has consistently opposed such a move and any attempt to designate the Tuolumne River as Wild and Scenic. On several occations - most recently on August 17, 1982 and again on November 30, 1982 - this Board has passed resolutions in opposition to the designation of the Tuolumne River as Wild and Scenic or any effort to delay development. Moreover, in a voter referendum in June, 1982, the voters of Tuolumne County rejected the principle of stopping development on the Tuolumne River. The issue has been studied for six years or more without conclusive evidence that Wild and Scenic designation for the Tuolumne river is appropriate. We do not believe that any further delay would serve any purpose.

On behalf of the people of Tuolumne County and in the interest of sound and proper development of the Tuolumne River, we strongly urge you to oppose any move to continue the moratorium of development on the Tuolumne River as set forth in Senate Bill 2811 or any similar proposal.

Signed,

CLYDE W. MAY, CHAIR
TUOLUMNE COUNTY BOARD OF SUPERVISORS

The above, in the form of a mailgram, was sent to the following on 12/5/82:

Senators James D. McClure
Henry Jackson
Dale Bumpers
S.I. Hyakawa
Malcom Wallop
Marco Hatfield
Robert C. Byrd
Allan Cranston

and Ken Capri, representing Senator-Elect Pete Wilson
Robert White, Transition Member for Pete Wilson (c/o Hyakawz)

1982 DEC 13 PM 1:04

20140 Gibbs Dr
Sonora CA 95370
Dec 10, 1982

Malcom Wallop, Chrm
Senate Subcommittee on Public Lands & Reserved Waters
Room 3106 D.S.O.B.
Washington D.C 20510

Dear Mr. Wallop:

Please include this appeal in the December 14th hearing record on S.2811 by Hayakawa to extend the study moratorium on the Tuolumne River one more year.

The Tuolumne is already developed. Additional development for water and power is feasible and is sorely needed by our citizens locally and in central California. In 1976 the Congress was advised by the U.S.D.A. the river did not qualify for wild & scenic study. Regardless - the rafting interests pressured for a study. The Administration acquiesced and the study proceeded. Powerful forces came into play resulting in the Carter administration recommending classification irrespective of facts.

Tuolumne County and our State will be far better served thru development. Irrespective of this need these same rafting interests initiated a referendum for the June 1982 primary election to stop development. It failed - being rejected by the voters of Tuolumne Co.

Please reject any thought of extending the study moratorium on the Tuolumne River.

Respectfully Geo. S. James
George S. James

CAL-FARM INSURANCE NR
19515-B VILLAGE DR
SONORA CA 95370

Western Union Mailgram

1982 DEC 13 AM 8 15

4-0127595340 12/12/82 ICS IPMRNCZ CSP WSHB
2099843589 MGM TDRN JAMESTOWN CA 230 12-12 0656P EST

SENATOR MALCOLM WALLOP, CHAIRMAN
SUBCOM ON PUBLIC LANDS & RESERVED WATERS
RM 3016 DIRKSEN SENATE OFFICE BLDG
WASHINGTON DC 20510

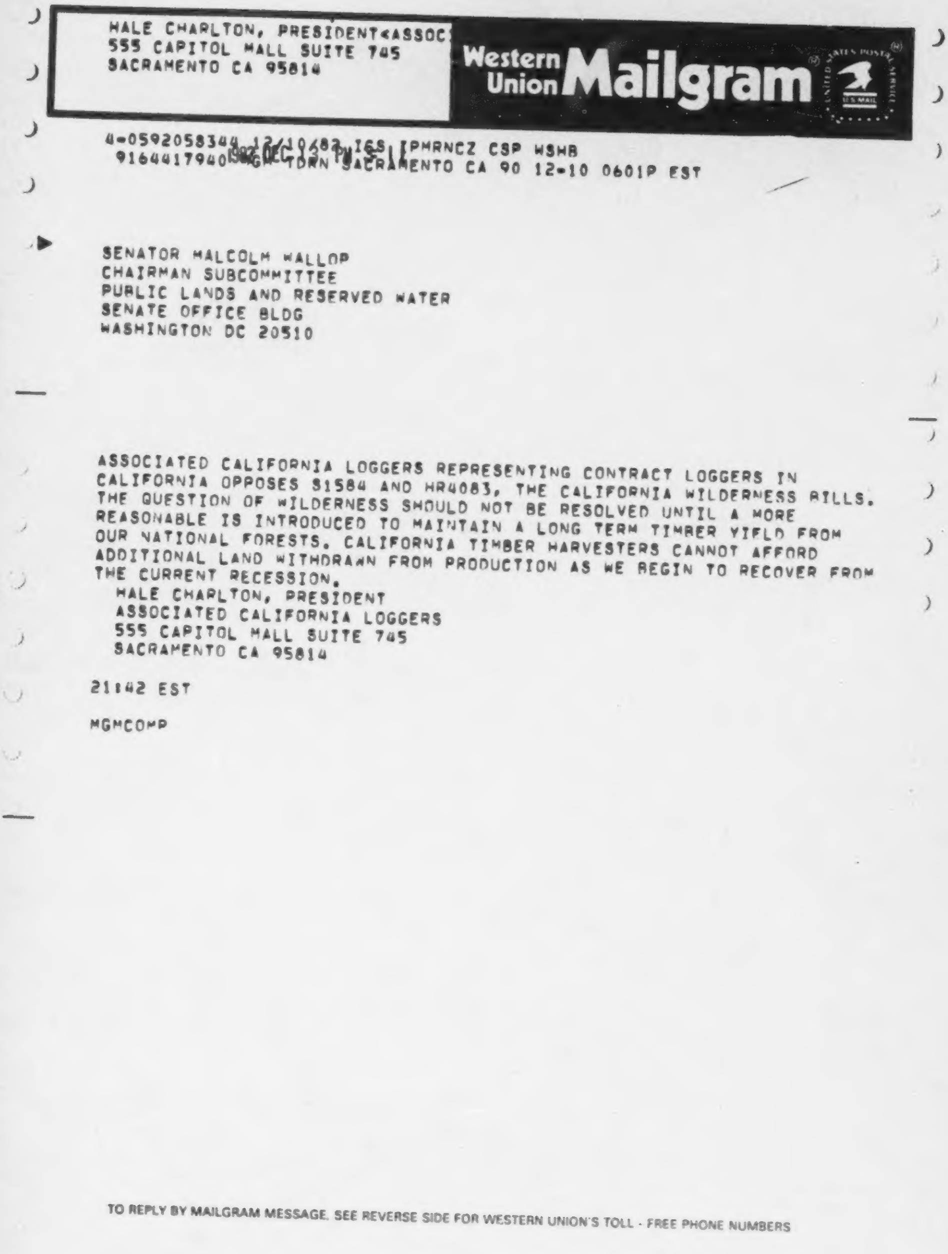
REFERENCE SB-2811 HAYAKAWA.

IT IS OUR UNDERSTANDING THAT THE PROPOSED TUOLUMNE RIVER MORATORIUM ON DEVELOPMENT AS PROPOSED IN THIS BILL WILL BE INCLUDED IN AN OMNIBUS BILL TO BE HEARD BY THE SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATERS WHICH YOU CHAIR ON TUESDAY, DECEMBER 14. AN EXTENSION OF THE STUDY PERIOD ON THE TUOLUMNE RIVER IS NOT IN THE BEST INTERESTS OF THE CITIZENS OF CALIFORNIA. THE RIVER HAS "UNDER STUDY" FOR THREE YEARS; THE RIVER IS ALREADY DEVELOPED. TUOLUMNE COUNTY NEEDS WATER AND TUOLUMNE COUNTY NEEDS POWER. THE VALLEY COUNTIES, WHICH PRODUCE THE FOOD WE EAT, ARE IN NEED OF WATER TO PREVENT OVER-DRAFTING OF GROUND WATER. LIBERAL INTERESTS IN SAN FRANCISCO, WHICH THE SUPPORT THE EXTENSION, ARE ALREADY BENEFFITTING TO THE FULLEST FROM WATER AND POWER GENERATED ON THE TUOLUMNE. NOW THEY WANT TO PRECLUDE DEVELOPMENT BY OTHERS. A MORATORIUM WOULD LOCK UP THE RIVER FOR ANOTHER YEAR TO ALL BUT THE RIVER RAFTING INDUSTRY WHICH REAPS A HANDSOME PROFIT ANNUALLY, HENCE THEIR SUPPORT FOR THE PROPOSAL. WE URGE THAT THE TUOLUMNE RIVER BE EXCLUDED FROM ANY PROPOSED MORATORIUM LEGISLATION.

KINDLY INCLUDE THESE REMARKS IN THE FORMAL RECORD OF THE HEARING ON THIS MATTER.
ROSS RAKER, PRESIDENT,
TUOLUMNE COUNTY FARM BUREAU
19515-B VILLAGE DR
SONORA CA 95370

18:56 EST

MGMCOMP



HALE CHARLTON, PRESIDENT<ASSOC
555 CAPITOL MALL SUITE 745
SACRAMENTO CA 95814

Western Union Mailgram

4-0592058344 12/10/82 ICS IPMRNCZ CSP WSHB
9164417940 MGM TDRN SACRAMENTO CA 90 12-10 0601P EST

1982 DEC 13 PM 5 11

SENATOR MALCOLM WALLOP
CHAIRMAN SUBCOMMITTEE
PUBLIC LANDS AND RESERVED WATER
SENATE OFFICE BLDG
WASHINGTON DC 20510

ASSOCIATED CALIFORNIA LOGGERS REPRESENTING CONTRACT LOGGERS IN CALIFORNIA OPPOSES S1584 AND HR4083, THE CALIFORNIA WILDERNESS BILLS. THE QUESTION OF WILDERNESS SHOULD NOT BE RESOLVED UNTIL A MORE REASONABLE IS INTRODUCED TO MAINTAIN A LONG TERM TIMBER YIELD FROM OUR NATIONAL FORESTS. CALIFORNIA TIMBER HARVESTERS CANNOT AFFORD ADDITIONAL LAND WITHDRAWN FROM PRODUCTION AS WE BEGIN TO RECOVER FROM THE CURRENT RECESSION.

HALE CHARLTON, PRESIDENT
ASSOCIATED CALIFORNIA LOGGERS
555 CAPITOL MALL SUITE 745
SACRAMENTO CA 95814

21:42 EST

MGMCOMP

TO REPLY BY MAILGRAM MESSAGE, SEE REVERSE SIDE FOR WESTERN UNION'S TOLL - FREE PHONE NUMBERS